

11-1-2005

Motions 2005 volume 41 number 3

University of San Diego School of Law Student Bar Association

Follow this and additional works at: <http://digital.sandiego.edu/motions>



Part of the [Law Commons](#)

Digital USD Citation

University of San Diego School of Law Student Bar Association, "Motions 2005 volume 41 number 3" (2005). *Newspaper, Motions* (1987-). 121.

<http://digital.sandiego.edu/motions/121>

This Book is brought to you for free and open access by the Law Student Publications at Digital USD. It has been accepted for inclusion in Newspaper, Motions (1987-) by an authorized administrator of Digital USD. For more information, please contact digital@sandiego.edu.

MOTIONS

University of San Diego School of Law

Volume 41, Issue 3

November 2005

Career Dis-Services: I Know Why the Unemployed Law Student Drinks! by Starr Arvay

Welcome to the 42nd draft of my opinion about Career [Dis]Services. In order to be able to speak out publicly on behalf of myself and every other student at USD Law on this particularly important and pathetically sad situation, I was prohibited by the authorities (aka thought-police) from cursing, using all caps or all bold (allegedly it's yelling on paper), and from making what Big Brother sees as "personal attacks". However, in the spirit of freedom of expression, I'm still allowed to underline *and* use italics (ooooh, imagine *that*) and if I behave well enough, then I get the chance to say publicly what everyone is already thinking privately. I can release those deep seated feelings of disturbing aggravation and frustrated exasperation that exist in the collective conscience of USD Law Students when it comes to the topic of Career [Dis]Services.

This article was inspired by the resignation of Susan Benson, who you all may know as the "nice one" in Career [Dis]Services (yah, that *one*, as in the *only* one). I had been quietly praying for the day that USD would actually *do* something about the disease that is Career Services, and while having Susan resign doesn't really count as USD *doing* something, it means that just maybe someone has been listening to my prayers. And if it's possible that a higher power exists that listens to and quasi-answers my prayers, then it's possible that USD Career Services could actually become useful one day. I know, I know, it's incredible and too fantastic for the mere mortal mind to conceive, but have faith. Things *can* change, just like god *can* move mountains or whatever; both highly unlikely to occur in *our* lifetime or *ever*, but both still possible.

So you may have gotten the impression that I think Career Services is both useless and pointless. Now, lest this be misconstrued as some "personal attack", let me explain to you the historical antecedents of my opinion about that wretched, ineffective, worthless, and pathetic excuse for an office.

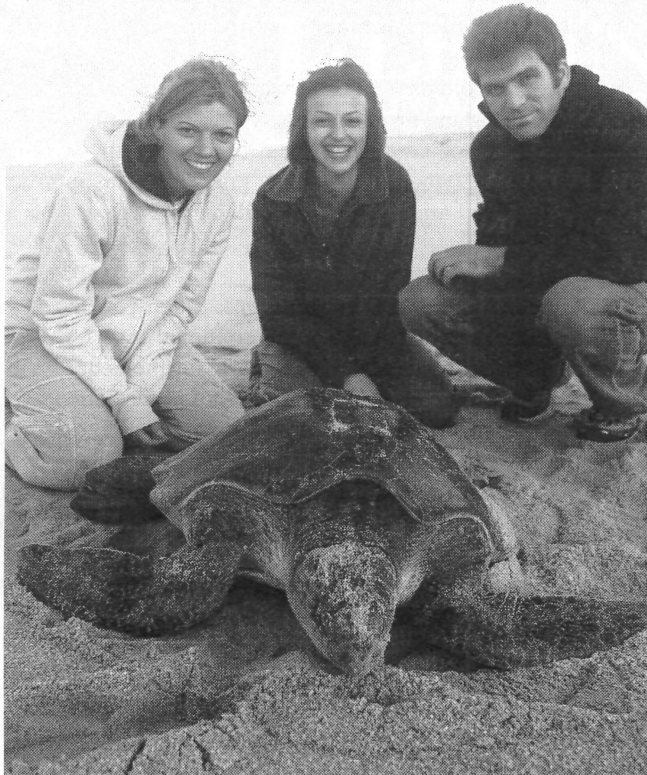
"...for anyone out there in the bottom 70% who wanted to work for the U.S. Attorney's Office, you can thank Career [Dis] Services for robbing you of the mere opportunity to apply."

If I were to imagine the world's greatest fantasy job, I would create a job where I didn't have to know *anything* of relevance to my position, where I could *refuse* to perform my job functions, where I could be completely *rude* (x1000) to the people who pay my salary, where I could ruin peoples' fledgling hopes of a career and where I could *make people cry*. Oh, wait, that job already exists, and Karin has it. Yes, Karin, you may know her as the "mean one" (←Big Brother's censorship in action!). Well, more precisely the brunette "mean one" because there is also a blonde "mean one" (you're next Stephanie!).

Let me tell you an awesome *True Story* about Karin: I work for a federal judge (yet *another* job I got *without* the help of Career [Dis]Services!). In the Summer of 2005 my judge was looking for USD students to work in his chambers. When his Judicial Clerk called over to Career [Dis]Services to see about posting on the website to recruit some students, she was lucky enough to have Karin pick up the phone. Karin told her "It's not my job to post things for you, go to the website," and refused to help her. So my Clerk was forced to do everything on her own and got no assistance from Karin *at all*. Shocking! I know. Who would've imagined that Karin could do such a thing? [pour dripping, dripping sarcasm all over that last sentence please].

In fact Karin was anti-helpful and anti-useful. She was an impediment to my judge's ability to find

Please see Dis-Services, continued page 8.



What are Hanna Gibson, Jalila Aissi, and Paul Feldman doing with a Sea Turtle? Read about their dramatic endeavors to save this threatened species, page.4.
Photo courtesy of Zachary Miles Baddorf.
www.baddorf.com

Understanding the New Grading System by Timothy Cross

The faculty at the law school have a gift for the outgoing class this holiday season by way of a new grading and ranking system. Many 3L's don't understand how implementation of the new system will work. Many of the current 1L and 2L's don't know why the old system was junked and the new one adopted. Understanding the history and the setup of the new system should help everyone appreciate the benefits of the reform.

The genesis of grade reform was only two short years ago. In the Fall of 2003, the SBA President, Laurie Gormican (Class of 2004), suggested that someone begin working on a survey of the students to quantify their feelings about the current grading and ranking systems. When, the SBA Secretary graduated early, a Special Election was held and the responsibility to plan and conduct a survey fell upon me as the new SBA Secretary.

"The new ranking system will avoid the demoralizing process of giving the bottom of the class a number to tell them how badly they are doing."

The survey was conducted at the beginning of the Spring semester. The results indicated an almost universal dissatisfaction with the current grading scale, grading curve, and ranking system. Students were particularly concerned that potential employers believed their grades looked inferior compared to applicants from other schools. These results were later published to the students. With the help of then Dean Dan Rodriguez, they were presented to the faculty by Laurie Gormican, Charlotte Hasse (Class of 2005), and myself.

The issue of grade reform continued to be salient through the SBA elections that year and I ran for President promising to do something about it. When the school year of 2004-2005 began, there was clear momentum for change and unqualified support from Dean Rodriguez. A student committee was formed to help present ideas to the faculty. The main participants were Charlotte Hasse, Aaron Dumas (Class of 2006), Byron Holz (Class of 2007), Jonathan Nies (Class

Please see Grades, continued page 9.

Sexual Trafficking: A Cure for the Symptoms, not the Disease

by Bron D'Angelo

Many of us have heard the stories. Women and children, some who have not even reached puberty, used as sexual slaves for the entertainment of men from around the globe, in a ring of sexual tourism. It is a vile and disgusting practice that goes on in only those third world countries that don't know any better. At least that is what we tell ourselves, and we are horribly wrong.

"...women and children were promised passage to this country. . . and instead became sex slaves under the threat of violence."

The problem is right in front of our doorstep. The U.S. Department of the State estimates that an average of 18,000 people every year are trafficked into the United States, the majority of those traveling through the U.S.-Mexico border. Yet, many of us assume that this is a problem that occurs in only poor neighborhoods, in the "bad parts" of the country. We want to view our world from rose colored glasses, but the things we want to ignore are happening under our noses.

In 2002, authorities working to stop human trafficking uncovered a huge underground San Diego based prostitution ring. The ring involved women who were brought into this country under the hope of a new life. These women and children were promised passage into this country by individuals who never had any intention of freeing them, and instead became sexual slaves under threat of violence. These individuals were forced to service hundreds of men, and many were forced to have sex with multiple men a day. The camp included thirty women, half of whom were underage, the youngest being only twelve. Their innocence was sold for \$15-30 dollars at a time.

When the authorities raided the camp they found fifteen women and arrested thirty men, many of whom were undocumented Mexican immigrants. But this isn't

Please see Trafficking, continued page 6.

WHAT'S INSIDE

DEAN'S CORNER	2
SAVE THE SEA TURTLES.....	4
USD GOES TO PRISON.....	6
FINALS FEAR.....	7
ATLA.....	8
LAWS OF DINING OUT.....	9
HALLOWEEN PARTY	10
VOTING SEASON.....	11
LAVENDAR LAW.....	11
SUDOKO.....	12
BILL ANDERSON.....	12
CHIRPING MOTORCYCLE.....	12



Motions
Published Since 1963
Formerly The Woolsack

5998 Alcala Park
San Diego, CA 92110
619-260-4600, ext. 4343
usdlawmotions@gmail.com

Our mission is to provide news, information, analysis and commentary to the students, faculty and staff of the University of San Diego, the University of San Diego School of Law, and the general legal community of San Diego. We believe that journalistic excellence is the soundest foundation for success. We pledge to seek and report the truth with honesty, accuracy, and fairness. These principles are cautiously guarded by each member of the Motion staff.

EDITORS

Aaruni Thakur & Laura Slezinger

SBA LIASON

Troy Pickard

WRITERS

Jared Ackley
Starr Arvay
Becky Blain
Tim Cross
Bron D'Angelo
Aaron Dumas
Jacob Evans
Tommy Feiter
Hanna Gibson
Karen Luong
Bobby Taghavi
Edward Tsang

ADMINISTRATIVE REVIEW

Carrie Wilson, Dean of Student Affairs

SUBMISSIONS

Motions welcomes all letters, guest columns, complaints and commentaries. We reserve the right to edit for content, length, style and the requirements of good taste.

DISCLAIMER

The contents of this newspaper do not reflect the views or opinions of the University of San Diego School of Law, the University of San Diego School of Law News Organization, or the Editors, Directors or Staff of this newspaper and are solely the products of the authors in their individual capacities. Unsigned editorials reflect only the view of the Editorial Board of this newspaper, a Student Organization consistent with University of San Diego School of Law policies.

Letter from Dean Cole

Greetings from the Interim Dean,

When I went to law school, if we saw someone walking alone through the campus, talking loudly, we moved to the other side of the street. The cell phone has changed many aspects of life.

When I went to college, if we needed cash, we saw a teller, a human being defined at www.dictionary.com as "a bank employee who receives and pays out money." I was about to say that I honestly cannot remember the last time I saw a teller, but then I saw the second definition of "teller" on dictionary.com-- "an automated teller machine."

In the old days, when I wanted to look up a word, I had to stand up, walk across the room to my bookcase, pull out a dictionary, and silently sing to myself "The Alphabet Song." Now, I need only undergo this ritual when I am at the office and the Internet connection is down.

Technology changes our lives, usually for the better, in my view. But the changes are not always for the better, and even the changes that are for the better sometimes do not come about smoothly. Let me address a few technology-related issues with you.

Those of you who have attended other schools, or who have visited a Starbucks, know that USD is behind in adapting to the information age. But there is good news. Our new Provost, Dr. Julie Sullivan, recognizes the importance of upgrading campus computer support. She comes from schools with cutting-edge technology and understands its importance to today's students. The University is nearing the end of its search for a new Chief Information Officer, and is prepared to devote the resources needed to upgrade University computing systems. While frustrations remain, of course, some improvement has been noticeable even since the beginning of the semester.

And then there is the problem of technology that works too well.

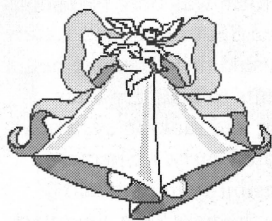
As you may know, remote communications devices have become smaller and smaller, and digital cameras, including those available in cell phones, are becoming better and better. To ensure the integrity of the examination process, we must now further limit your access to electronic devices during the exam process. As you have been told separately, you will not even be permitted to have these devices in the examination room with you—even if they are secured across the room. These steps are identical to those undertaken at other law schools, and are less draconian than those followed

during the California Bar Examination, but we realize that they will interfere to some degree with the way you normally conduct your lives. It is unfortunate that we must take these steps with innocent students who have no intention of cheating, just as it is unfortunate that those who are unarmed must nevertheless be delayed by security procedures at airports. But like hijackers, cheaters tend not to identify themselves in advance. Deterring cheaters is less important than deterring hijackers, of course, but is still worthy of some inconvenience to guarantee that students take exams under fair conditions.

Wireless access to the Internet is also raising problems for schools throughout the country, including ours. During class, the temptation to surf the net, check e-mail, bid in on-line auctions, and stay connected via IM competes with faculty for student attention. When I went to school, the class just had to be more interesting than a game of Hangman; now, our faculty need to be more interesting than streaming music videos. If one takes the narrow view, this is a difficult competition for faculty to win. Some students who resist the call of the Internet nevertheless report being distracted by the flashing images on their classmates' screens.

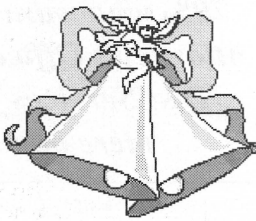
Student access to the Internet during class can be stopped in several ways, but they are expensive, assume technological capacities the school thus far lacks, or are ineffectual. Some schools have just turned off their wireless access altogether during class times. Some faculty, here and elsewhere, have forbidden students to use computers during class. Others require their students to sign statements agreeing that they will not access the Internet during class time except as permitted by the instructor; violation of this agreement can lead to disciplinary procedures.

As a first (and, I hope, only) step at USD, I would simply like to offer some advice, in the hope that students will take a broader view of their self interest than class-time use of the Internet implies. Getting the most out of the classroom experience requires a level of engagement that is inconsistent with multi-tasking. If I am right about this, you will not fully appreciate what you are missing until it is too late. Law practice rewards efficient thinking and the ability to concentrate, and sustained engagement in the classroom not only develops a facility with the material, but also enhances your ability to parse complicated issues. You can shift your brain to idle during class without immediate consequence if faculty, as many do, attempt to help you pull the threads of the discussion together at the end of class. But when you leave law school, you will need to rely on your own abilities to impose order on chaos, or vice versa. Struggling with the material in class now—in an active and engaged way—will equip you to struggle less in the future.



CONGRATULATIONS
AARUNI & PAMELA!!!

November 18, 2005



Editor's Note:

As some of you may know, Aaruni Thakur and Pamela Tahim (USD Law Grad and L.L.M. Candidate) were married Friday, November 18th. Aaruni will also be pursuing an exciting opportunity in Northern California next semester, so he won't be here physically, but I'm sure he'll be with us in spirit. The *Motions* staff would like to wish him and Pamela the best wishes for the future and in their new surroundings in the Spring.

There have been some exciting changes at *Motions* this semester and we have a few more up our proverbial sleeves for Spring. We are pursuing a dream of one day going online. Right now, all that stands between us and that dream is money, time and bureaucracy. If you have any thoughts on the matter, we are welcoming any opinions or advice as we consider how best to approach this enterprise. Please feel free to contact us at usdlawmotions@gmail.com.

We hope that you will continue to actually read your Law School's newspaper rather than use it to soak up grease under the spare tire. We welcome any suggestions you have for how to improve the paper and compete with the internet for your favorite way to pass the time during class (Dean Cole's admonitions above, notwithstanding). We also welcome any submissions from the

Law School community- for more information just send an e-mail to the *Motions* address.

It's been a great semester for *Motions*, and Aaruni and I would like to thank everyone who's supported us. Good Luck on Finals and Happy Holidays!

Sincerely, Laura A. Slezinger

5	3	7	1	9	2	0	5	4
6	9	1	4	11	7	1	2	4
11	4	7	4	11	4	4	7	1
4	7	7	5	7	1	4	8	11
1	7	5	8	6	0	4	3	2
3	6	8	2	5	4	1	0	7
7	5	3	0	4	8	2	1	6
2	8	0	6	1	9	7	1	3
4	1	6	7	2	3	8	5	9

Don't Let Law School Drive You Crazy!



MAKE THE RIGHT TURN TO A HIGHER GPA WITH

FLEMING'S
FUNDAMENTALS OF LAW

2-DAY LEGAL EXAM WRITING WORKSHOP

14 Reasons Why You Should Attend:

- Learn How to Improve Your Grades from a Recognized Expert-Professor Jeff A. Fleming
- Learn Effective Exam Problem-Solving Techniques
- Learn the Difference Between Essay and Multistate Strategy
- Learn the Difference Between the A, B and C Essay
- Student Will Write Two Exams for Critique
- Learn In-Depth Issue Spotting Methods
- Learn the Difference Between Major and Minor Issues
- Learn Comprehensive Outlining/Organizational Strategies
- Learn How to Properly Interpret Calls of Questions
- Learn How to Develop Successful Legal Arguments (Fact to Element Analysis)
- Learn How to Use Public Policy Analysis
- Learn the Relationship Between the Casebook and Legal Exams
- Learn How to Get the Most Out of Class and Study Time
- Learn How to Write the Superior Answer

Schedule of Seminars:

SAN DIEGO

- Saturday, September 17, 2005: Noon-6:00 pm
- Sunday, September 18, 2005: Noon-6:00 pm
- All Sessions will be given LIVE at California Western School of Law, 350 Cedar St., San Diego, Saturday-Room 2B, Sunday-Auditorium.

SANTA CLARA

- Saturday, September 24, 2005: 9:00 am-4:00 pm
- Sunday, September 25, 2005: 9:00 am-4:00 pm
- All sessions will be given LIVE at the Santa Clara University School of Law, 500 El Camino Real, Santa Clara, Room 142.

ORANGE COUNTY #1

- Saturday, October 1, 2005: 9:00 am-4:00 pm
- Sunday, October 2, 2005: 9:00 am-4:00 pm
- All sessions will be given LIVE at Hope International University, 2500 E. Nutwood at Commonwealth, Fullerton (across from Cal. State Univ., Fullerton), Second Floor, Room 205.

LOS ANGELES

- Saturday, October 8, 2005: 9:00 am-4:00 pm
- Sunday, October 9, 2005: 9:00 am-4:00 pm
- All sessions will be given LIVE at the Wyndham Hotel, 6333 Bristol Parkway, Culver City, in the Projection Room.

ORANGE COUNTY #2

- Saturday, October 15, 2005: Noon-6:00 pm
- Sunday, October 16, 2005: Noon-6:00 pm
- All sessions will be given LIVE (Lecturer: Attorney John Couch) at Hope International University, 2500 E. Nutwood at Titan, Fullerton (across from Cal. State Univ., Fullerton), Room 215A.

VENTURA

- Saturday, October 15, 2005: 10:00 am-4:00 pm
- Sunday, October 16, 2005: 10:00 am-4:00 pm
- All sessions will be given at the Ventura College of Law, 4475 Market St., Ventura, Room 9. VIDEO PRESENTATION

SACRAMENTO

- Saturday, October 15, 2005: 9:00 am-4:00 pm
- Sunday, October 16, 2005: 9:00 am-4:00 pm
- All sessions will be given LIVE (Lecturer: Attorney Mara Feiger) at McGeorge School of Law, 3200 5th Avenue, Sacramento, Room B.

RIVERSIDE

- Saturday, November 5, 2005: Noon-6 pm
- Sunday, November 6, 2005: Noon-6 pm
- All sessions will be held at California Southern School of Law, 3775 Elizabeth St., Riverside, Room 2. VIDEO PRESENTATION

FLEMING'S
FUNDAMENTALS OF LAW

\$195 per person

Pre-registration Guarantees Space & Workbook

\$170.00 Group Rate
(available to groups of 5 who register together at least one week before the desired seminar)

\$205.00 Registration at Door
(if space available)

\$205.00 Audio Course
(plus shipping & handling)

No Tape Recording Permitted No Exceptions

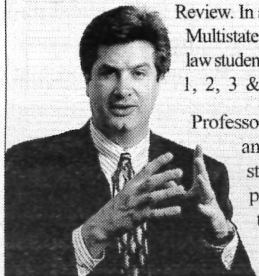
Course
Lecturer:

PROFESSOR JEFF A. FLEMING

Attorney at Law • Legal Education Consultant

For the past twenty-three years Professor Fleming has devoted his legal career to the development of legal preparatory seminars designed solely to aid Law Students and Bar Candidates in exam writing techniques and substantive law.

Professor Fleming's experience includes the Lecturing of Pre-Law School Prep Seminars and First, Second and Third Year Law School Exam Solutions®. He is the Organizer and Lecturer of the Baby Bar Review Seminar and the Founder and Lecturer of the Legal Examination Writing Workshop. Both are seminars involving intensive exam writing techniques designed to train the law student to write the superior answer. He is the Founder and Lecturer of Long/Short Term Bar Review. In addition, Professor Fleming is the Publisher of the Performance Exam Solution® and Multistate Examination Workbooks, the creator of The Exam Solution Tape Series®, which aids law students in exam preparation, the Author of the Essay Examination Writing Workbook Volumes 1, 2, 3 & 4. These are available in legal bookstores throughout the United States.



Professor Fleming has determined that the major problem for most law students is weak analytical skills. Most students can learn the law, but application of the law is a stumbling block under exam conditions. Professor Fleming has structured his programs to include both substantive law and legal analysis training. This provides the combination necessary for the development of a better-prepared and skillful law student and Bar candidate. These courses have made it possible for thousands of law students to improve their grades and ultimately pass the Bar exam.

REGISTRATION FORM

Name _____
Address _____
City _____ State _____ Zip _____
Telephone (_____) _____
Law School _____
Current Year/Semester _____ / _____ Graduation Date _____
Workshop Location/Date to be Attended _____
Form of Payment: ☐ Check ☐ Money Order (Make Payable to Fleming's Fundamentals of Law)
☐ MasterCard ☐ Visa ☐ Discover ☐ American Express
Credit Card # _____ Credit Card Expiration Date _____
Driver's License # _____ Signature _____ Date _____

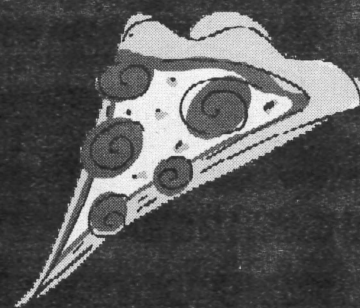
FLEMING'S
FUNDAMENTALS OF LAW

23166 Los Alisos Blvd., Suite 238,
Mission Viejo, CA 92691
(800) LAW EXAM (CA Toll Free)
(949) 770-7030 • (949) 454-8556 FAX
EMAIL flemings1@aol.com • WEB lawprepare.com

ALSO IN EARLY SEPTEMBER...

FREE
PIZZA, PRIZES & LECTURE

Watch for our flyer
announcing a one-hour
on-campus lecture by
Professor Jeff Fleming on
exam taking techniques.



University of San Diego Campus Reps: Nate Bear, Rachel Burris, Karen Luong and Pamela Parker

Rescue of the Ridley:

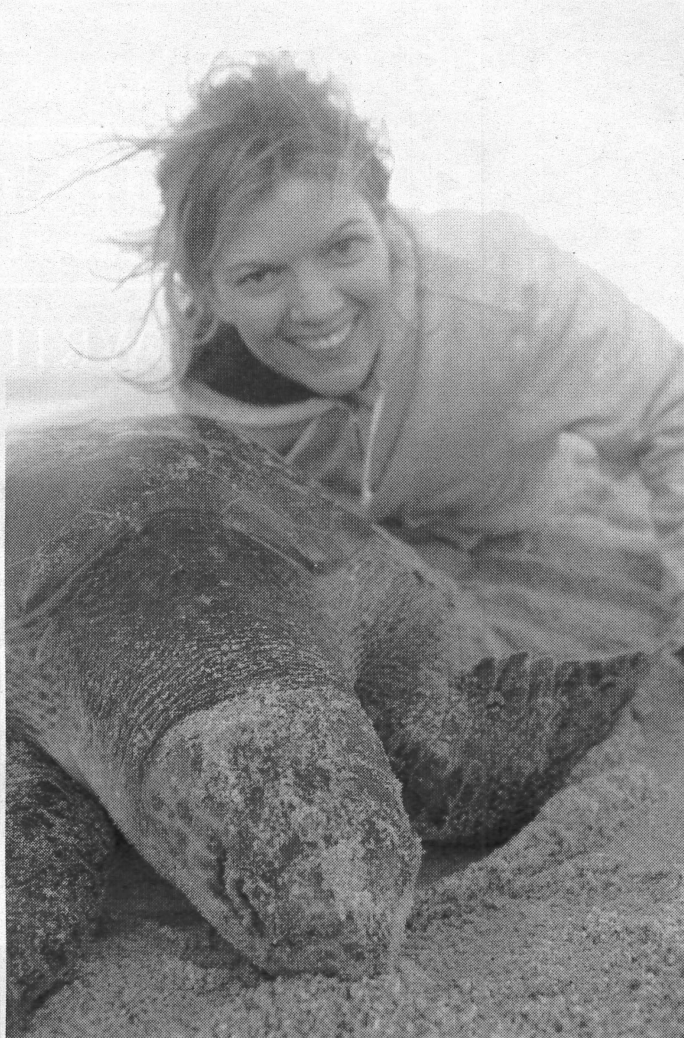
USD Law Students in the Fight to Save the Olive Ridley Sea Turtles from Extinction

by Hanna Gibson

During 2004-05, the University of San Diego, School of Law Student Animal Legal Defense Fund (SALDF) decided to take our pursuit of justice for all beings out of the classroom; we took it out of San Diego- in fact, we took our pursuit of justice out of the country. We had studied animal law texts and treatises and had struggled to define it; we discussed it, promoted it, engaged in it. It was time to live it.

We found a Mexican, non-profit sea turtle rescue organization, ASUPMATOMA, that would be the focal point of our mission. We decided that we would raise awareness about the plight of the sea turtles locally and on campus; we would raise funds to donate to the cause; and finally, we would travel internationally, over a thousand miles, to personally deliver our contribution, to learn about non-profit organizations in other countries, and most importantly, to have the opportunity to interact with the endangered sea turtles. Over the course of the year, we published information about the sea turtles and ASUPMATOMA, and began a massive donation drive both on campus and within the San Diego community.

The response was tremendous; not only from the University of San Diego School of Law and all of the wonderful students and faculty that donated their unwanted items, from Dean Wilson who donated several van loads of items that she drove to Ocean Beach after her full days of work, from the Animal Legal Defense Fund who gave us a grant to support the efforts, from Kristina Hancock, the chair-elect of the ABA Animal Law Committee and Diane Dunne, a San Diego Animal Law Attorney who sent contributions, from Café Yemaya, an organic coffee shop in Ocean Beach that pulled cash from the cash register for the turtles, but also from the members of the San Diego community who generously donated items to the rummage sale, and supported our efforts by shopping at our sale, keeping the used items out of the landfills, and helping us raise much needed funds. In the end, we raised well over our \$2,000 goal to donate to ASUPMATOMA, acquired a laptop computer to take to ASUPMATOMA, donated several hundred- perhaps thousands- of items of clothing and school supplies to the School of Champions, a school for the children that live in the dumps outside of Puerto Vallarta, Mexico, and donated hundreds of items of clothing to the Hurricane Katrina relief efforts. All while educating the community about the University of San Diego School of Law, Animal Law in general, and endangered sea turtles. By all accounts, SALDF's hard work was a tremendous success. Our reward for a year of



Hanna gets friendly with an Olive Ridley on a beach of Baja California. Photo by Zachary Miles Baddorf. www.baddorf.com

through middle-of-nowhere, without air conditioning, barely clinging to sanity by identifying every cactus in the region and occasionally grappling with the realistic probability that we'd run out of gas before reaching one of the all-too-few government owned Pemex stations. We'd found solace in the kindness of a salty ex-patriot, Jim, who had the mouth of a sailor, the heart of an angel, and an endless supply of the finest Pacifico's we'd ever had the pleasure of knowing. We'd passed through several government military checkpoints and were greeted by many machine guns, had the car searched multiple times, and were treated like friends of each government official that we encountered along the way.

By the end of the third day of driving on that

the grid and have very little communication with their main office. Leti was amazing- within moments she had us organized into turtle reconnaissance teams, and enlisted me to translate the camp rules into English. (1) No drinking or drugs; (2) no beach fires; and (3) no swimming. All of a sudden our Mexican "vacation" had become very unusual...there would be no steamy nights of drunken debauchery, no late night bonfires, no tequila breakfasts, no sleeping off the hangovers on the beach, no splashing around with exotic fishes... what was left? The turtles.

We would spend the next several days and nights getting to know the amazing people that had dedicated their lives to salvaging the last of these great creatures. We would briefly meet the President of ASUPMATOMA, Rene Pinal, an extremely compassionate and vibrant real estate developer who had donated the land and had funded the construction of the research station, and who personally supports the organization, with his own money, when the donations dry up; we would present him with a check for \$2,000 from the University of San Diego Student Animal Legal Defense Fund. We would also learn about ASUPMATOMA's mission and its remarkable contributions in scientific research, conservation, education, local and international law enforcement, monitoring and rescue. Most importantly, we would finally meet the elusive and beautiful, Olive Ridley Sea Turtles and would be forced to confront the daunting reality that the first time we would ever see them might be the last. But that would all come soon enough. It was our first night on that isolated beach, the lazy Mexican sun had just gone down, and we were ready for the adventure of a lifetime. So, we did what any other red-blooded law student would have done in that situation. We went to bed.

"Hanna! Hanna! Wake Up!" 3:00 a.m. comes early- Leti didn't have to try too hard to get me up; I had spent most of the evening listening to the crashing of the waves, there was no hope of sleep- we were about to encounter one of the ocean's most precious secrets. The Olive Ridley Sea Turtle is one of only eight subspecies of sea turtles in the world, and all are either endangered or threatened. This particular species, which has relatively "healthy" numbers as compared to others that are hovering on the brink of extinction, was listed under the U.S. Endangered Species Act as endangered (the Mexican nesting populations) and threatened (all others) in 1978; however, due to continuing declines, all populations may soon be reclassified as endangered.

"We had a very small window of time during which we literally raced the poachers for possession of the precious eggs. If they found them first, they would rob the nests. . . There would be no survivors."

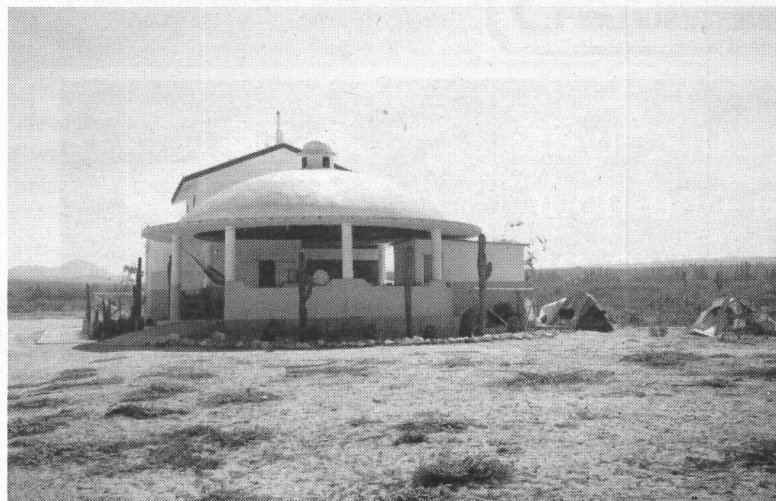
hard work? A leisurely Mexican beach vacation... well almost. First, we had to get there.

We had driven a thousand miles through unforgiving desert terrain and mountains over the only highway that runs through Baja California- a 2 lane road- replete with thousands of dangerous curves. Literally every curve was immediately preceded by, or followed by, a permanent roadside shrine memorializing those who were clearly unable to maneuver the dangerous curves, and to really drive the point home, they let the cars rest in peace eternally, right where they landed. We had suffered through days of driving in 105-degree heat

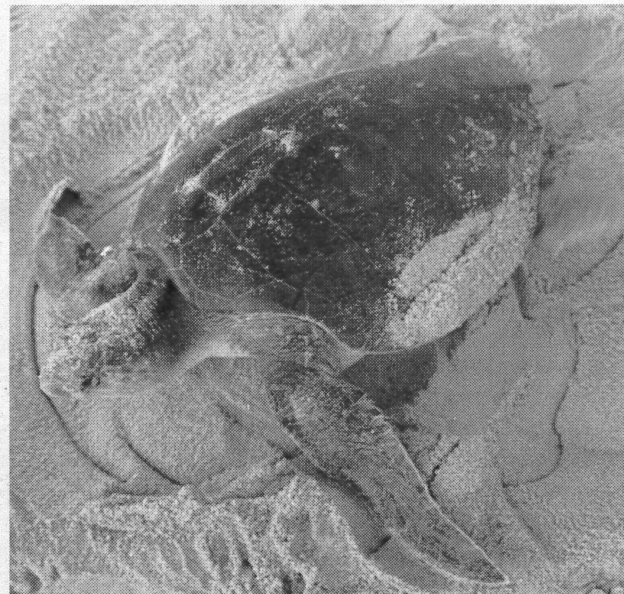
dark desert highway, our heads were heavy and our eyes grew dim, and we had to stop for the night. Up ahead in the distance, we saw a shimmering light; as we approached a shiny Mercedes Benz, the last glimmer of twilight reflected off its hood and illuminated the rough stucco exterior of "The Hotel California." "How quaint," I thought. "They named this humble abode after a drug-induced utopian hallucination of the Eagles." As we passed through the jealously guarded portal, we left behind reality and any semblance of place or time and stumbled into THE Hotel California. What a lovely place. It beckoned us to stay a while- or forever, but we had to keep moving. First, we stole some precious hours of sleep- this would be the last full night of sleep for a while. In the end, exhaustion saved us from the painful reality that we were not alone. A scorpion had joined us and died sometime in the night, we found the evidence in the morning. No questions were asked- some are too painful.

The next afternoon, we found the unmarked gate of Rancho Punta San Cristobal and wandered down a sand trail past tremendously corpulent cacti and found our destination- the ASUPMATOMA research station. We were warmly welcomed by two biologists, Leti and Alejandra, a Chihuahua- Tishia, and two cats. Ok, "welcomed" is a stretch; the biologists had no idea that we were coming- they are off

They are also listed as endangered according to the International Union for Conservation of Nature and Natural Resources (IUCN) and are listed under Appendix 1 of the Convention on International Trade in Endangered Species of Flora and Fauna; this classification is reserved for the endangered species that are in the gravest danger of extinction. They have no known nesting sites any further north in North America. We had traveled just over



The Research Station with the camp site to the right.



A Turtle pats down the sand over the eggs she has laid. Photo by Zachary Miles Baddorf. www.baddorf.com



The nursery resembles a cemetery, though it is the incubator of life. Photo by Zachary Miles Baddorf. www.baddorf.com

one thousand miles to an isolated and unmarked beach to find the closest encounter an American could hope to have with the nesting turtles...but it's not enough to be in the right place, we also had to come here at the right time. The nesting season runs from June through December. We had arrived in August, the heart of the season, but this mission required exact precision; we had to set out during the right time of the day, which happened to be three o'clock in the morning. I stumbled out of the tent and by the light of the moon could barely make out our two biologists and the gateman's son, Joaquin. They were prepping the ATVs for the morning mission as the disoriented volunteers stumbled around trying to locate boots, warm clothes and toothbrushes. The headlights from the ATVs drew closer; it was time to go.

We climbed onto the backs of the ATVs with Leti, Alejandra and Joaquin driving. In a moment we were at the edge of the water cruising away into the night. We would not return until well after sunrise; there was much work to be done. Our journey would take us 48 kilometers round trip across beaches that were

the sand, with our hands full of endangered sea turtle eggs when the spotlight turned on. We were being filmed. But it wasn't the Mexican police and this wasn't the Mexican version of COPS. We were being filmed by a photojournalist from the United States Navy. Several months earlier, Zachary Miles Baddorf had come to the University of San Diego campus to take the Foreign Service exam. As he was wandering around the Law School, *Animal Advocacy*, the newsletter of the Student Animal Legal Defense Fund caught his eye; the front page advertised our sea turtle rescue trip. He contacted us shortly thereafter, to express his interest in filming a documentary about the endangered sea turtles and our international mission to aid in the conservation efforts of ASUPMATOMA. Zachary has traveled the world, capturing hauntingly beautiful images everywhere he's gone. We were honored to have him accompany us. It was truly humbling for a group of law students to be face down in the sand, holding the most precious of cargo—endangered sea turtle eggs—in the presence of a group of amazing and committed biologists who had invited us into their completely foreign world, all the while being quietly studied and filmed by a remarkably talented photojournalist and documentary filmmaker. It seemed like the trip couldn't possibly get any better, but in fact it would, soon. We continued on.

As Leti flipped off the headlights and the others followed suit, we approached a turtle trail in the sand. After having encountered a few, they were becoming increasingly distinct. Leti pointed to a dark figure that was barely illuminated by the moon. We stood motionless as our eyes adjusted to recognize the dark figure before us; we had found an Olive Ridley Sea Turtle; she was so beautiful. She came enshrouded in many mysteries—like, where did she come from? Where was she born, might it have been this very beach? How old was she? How much longer would she live absent human interference? Did she come back to this beach every year to lay her eggs? Did



Research scientists and students pose on the beach.

Humans have a disgraceful history of exploiting this most vulnerable of moments in the female sea turtle's life. Although many countries, including Mexico, now have laws that protect the turtles and the eggs from harassment and poaching, it is unclear whether the sea turtles will ultimately survive the carnage. The laws may have come too late, and even the most stringent of laws are utterly useless if not enforced.

During the first couple of nights, we had tremendous luck with gathering the eggs. One night, we gathered over 1000 eggs. With the 85 percent hatch rate, there would be over 850 hatchlings born in one day. Imagine 850 baby turtles running all over the place—it must be glorious. During that time, we encountered four nests that had been poached. It was devastating and maddening to encounter those nests, with phantom footsteps leading up to them. In their wake, they left a barren emptiness. They obviously didn't care that for the sake of an exotic meal or a few bucks, they would deprive the next generation and all generations thereafter of the opportunity to know those amazing creatures.

“On our third night there, the unthinkable happened. . . The turtle tracks didn't lead back to the ocean. They stopped there. . . Somewhere up that dirt road was a beautiful, magnificent, and completely helpless sea turtle taking her last breath.”

connected by very rough terrain. Our mission: to travel the expanse of two separate beaches, San Cristobal and El Suspiro (the sigh), in search of nests. We had a very small window of time during which we literally raced the poachers for possession of the precious eggs. If they found them first, they would rob the nests, each of which had approximately 100-120 eggs, and take them to eat or sell on the black market. There would be no survivors. If we found them first, we would collect the eggs, and take them back to the research station where we would relocate them to a secure beach nursery. We would carefully document the nest location, count the eggs, and make new nests for the eggs to incubate in. In approximately fifty-five days, the eggs would hatch. There would be an eighty-five percent hatch rate, and each of the baby turtles would be personally escorted back to the ocean. According to the National Marine Fisheries Service (NMFS), the poaching in many areas world-wide is so severe that without active monitoring and rescue programs like this one, the number of actual hatchlings, even from relatively isolated areas is only about five percent. It should be no surprise then, that the populations of Olive Ridley Sea Turtles in this area and in others that have similar programs are growing while populations from areas that don't have programs continue to decline at dramatic rates. For example, NMFS reports that the western North Atlantic (Surinam and adjacent areas) nesting population is now less than twenty percent of the 1967 levels.

The stakes were high; for every nest that we encountered, approximately 100 hatchlings would be given an opportunity to survive. We were literally on a mission to save a species. A storm had been brewing for days and we would soon find out that the strong offshore winds would bring in a relatively large number of nesting turtles. This is a well known fact among the biologists and poachers alike, so we had to move quickly. Before too long, Leti swung around and switched off the headlights, the others followed her lead. We were in complete darkness, save for the moonlight that illuminated a conspicuous trail across the sand. We had found our first of many nests. We all huddled around the nest and as Leti probed the sand with a stick for the exact location of the eggs, we fell to our knees and began digging. The biologists recorded their data as we carefully excavated over a hundred ping-pong ball sized eggs and placed them in a plastic shopping bag. Each one was accounted for and not one was broken.

We were literally laying face down in

she come with the same group of turtles? She must have had so many amazing stories of world travel and survival. She had survived poachers and predators, shrimp trawl nets, toxic pollution, and oil spills; discarded debris (such as plastic, styrofoam, and rubber), boat collisions, and human encroachment— for how long, we did not know, and for how much longer, we could not tell. We waited quietly in the darkness as she took part in the ancient ritual. She carefully selected a place to make a nest and with her back flippers dug away the sand in a circular hole. Sand flew everywhere as the flippers moved with an almost mechanical deliberateness. Leti knew the turtles so well; she would identify the exact moment that a turtle was ready to begin laying the eggs. Sometimes she could see that the sand was too hard for the turtle to dig so she would sneak up and dig the hole for her. Once the eggs were laid, the turtle covered them with her back flippers and then did a dance on the nest to pat the sand down firmly. The ancient nesting ritual generally takes about an hour from start to finish, but we didn't have that long to spare; we were after all in a race against the poachers for those precious eggs. Once we had the eggs, the biologists tagged the turtle; before heading back to the ocean, she stayed for a moment to visit with us. As she looked up at us with her piercing black eyes, a painful wave of awareness washed over me: she was completely defenseless and extremely slow. Every time she came ashore to lay her eggs, she was taking a tremendous risk that she would never again return to the ocean. Utterly vulnerable to human exploitation, she had to gamble her life for the sake of her offspring; for millions that had come ashore before her, it was a losing gamble.



Digging in the nursery. Photo by Zachary Miles Baddorf. www.baddorf.com

It was infuriating to watch a species struggle so hard to survive, only to be undermined by a few selfish individuals. This was why I came to law school. The turtles have an ethical and legal right to exist. And those poachers not only deprived the turtles of their rights, but they deprived me of my right to live in a world that is rich in biodiversity. They stole MY eggs. They stole the eggs that belong to future generations; those future generations have a right to inherit a natural earth, not some lifeless synthetic reproduction of what we destroyed.

On our third night out, the unthinkable happened. We had finally reached the far end of the second beach and Leti switched off the headlights, we followed the turtle tracks to a circular area that appeared to be the nest. The nest looked disturbed, but there was something menacing about it. The tell-tale footsteps led up to the nest and then led inland up a dirt road. The way that Leti paused made me wonder whether the nest had been raided. When we'd encountered raided nests before, we identified them as such quickly and moved on. This time Leti was not in a hurry to move on. Perhaps, I thought, we had gotten there in time to scare the poacher away. But then, Leti wasn't making any effort to probe the sand to discover the nest. Everyone was quiet, waiting for some indication from her about what was going on. As I looked back to the tracks, it became clear what she was thinking. The turtle tracks didn't lead back to the ocean. They stopped there. The turtle disappeared into thin air and we were left staring at the tracks of a ghost. My throat tightened and my eyes began to sting a little. Somewhere up that dirt road was a beautiful, magnificent, and completely helpless sea turtle taking her last breath.

She had been betrayed by humanity. Although there is little scientific certainty, it is believed that a female Olive Ridley may lay upwards of seven thousand eggs in her lifetime— seven thousand new opportunities to salvage a species— gone. Dead. How could he? Where the hell was the law that was supposed to protect her? The sun was coming up, as if to expose the appalling crime scene. Paradise was ugly that morning.

The rest of our time at the ranch was literally uneventful. After that night, the turtles disappeared. We never saw another turtle; we never found another egg. Not one. Was it a portentous omen of the impending extinction of the species? That is a realistic possibility, but it will not happen without a fight. Between the animal and environmental lawyers, biologists, journalists, and volunteers, it will be a spectacular fight.

Please see *Turtles*, continued page 7.

Prison Break
by Bobby Taghavi

On a beautiful Thursday morning, about a dozen students from the criminal clinic, yours truly included, took a field trip to the Richard J. Donovan Correctional Facility (aka Prison). The facility is for inmates of medium-to-high custody classification, meaning no USD law student would survive in there for more than eight minutes. It is conveniently located in the middle of nowhere, sprinting distance from the Mexican border and neighboring a shooting range in case any of the inmates want to get their target practice on.

Being a directionally challenged individual, I gladly accepted a ride from my buddy Mike Minicozzi that morning. After the forty minute drive we arrived at the prison parking lot and met up with our classmates for what would turn out to be the greatest field trip EVER! OK, that was a dirty lie just to get everyone to read the rest of the article, but it *was* interesting, otherwise I wouldn't be writing about it instead of reading for Tax.

“I can honestly say I had never realized there were so many adjectives to describe a male’s back side. . .at one point the guard got on the loud speaker and told the inmates to stop being “heathens” as he looked at our horrified faces.”

Well... let’s just move on.

At the Visitor Clearance room we were greeted by a guard who reminded me of Sean Connery and kept reminding us about the “No Hostage” policy waiver that we had signed. No kidding, the guy probably used the phrase “We won’t exchange a prisoner for you if you’re taken hostage” about twenty-five times (I must say I was eagerly awaiting him to suddenly yell in a Scottish accent, “Welcome to the Rock!” but he never did). We were then issued badges, told once again about the “No Hostage” policy, and they opened the door which let us into the door within the door within the cage within the barb wire within the high voltage wall of the outer layer of the prison. We were then greeted by our tour guide, Officer Estrella, an officer from the Gang Investigation Unit of the prison. He gave us a brief history of the prison, some general information, and reassured us that in case certain excrement hits the fan he would be glad to take some swings at the prisoners for us, and then more guards would show up just in time to rush us all to the ER.

So our prison tour began. We were granted access to pretty much everything we wanted to see and then some. We first visited the gymnasium (not a gym) which is a huge room with lots and lots of bunk beds. The entire place was filled with tattooed men staring at

us, although I noticed that the TV was distracting some of the inmates as they were watching *figure skating* and occasionally clapping when a skater was shown close up.

We were then taken into the Administrative Segregation (AS) building, otherwise known as “solitary confinement”, or “the Hole.” For those of you that think “the Hole” is a box in the middle of the sun, it’s not. It’s actually a building filled with cells and some cages. *Actual cages people, no kidding.* As we walked through the building our tour guide was the subject of some verbal affection by some of the inmates and all the guards were wearing spit-shields (although I’m sure they used them to shield more than just spit). It was an eye-opener being in the AS building, all I could think of was Morgan Freeman’s words in *Shawshank Redemption*: “These walls are kind of funny. First you hate 'em, then you get used to 'em. Enough time passes, gets so you depend on them. That's institutionalized. They send you here for life, that's exactly what they take. The part that counts, anyway.” The inmates really looked like they *were* institutionalized.

At the end, we were able to walk the yard when the general population was out. I can honestly say I had never realized there were so many adjectives to describe a male’s back side. Unlike our jail tour earlier in the year where all the inmates were exclusively expressing their appreciation of all our attractive female classmate, this tour allowed some of us male students to be complimented on our physiques as well (At one point a guard got on the loud speaker and told the inmates to stop being “heathens” as he looked at our horrified faces). The yard walk did not end well, as about 400 inmates started staring at us and Officer Estrella decided it was time to call it quits. It was a scary moment. As Officer Estrella put it, the only thing separating us from the prisoners were his “dogs” (fists). Only then did half the class and I realize why he had been humming the words to the song “who let the dogs out, ruff ruff ruff” as he had guided us through the prison-Ok I made that last part up. By the way, no joke one student actually asked Officer Estrella what kind of K-9’s he was referring to!!!!!!

There were still more highlights, which I’ll briefly touch upon:

1. You know how in the movies most of the inmates are big, buff, tattooed and scary looking? Well that’s about as accurate as

Career Services only helping the top 10% of the class (in other words, pretty damn accurate).

2. Two people can’t stand shoulder to shoulder in a prison cell, if one is standing the other has to be on the bed or on the toilet (or I suppose they could both be on the bed... um, moving on).
3. The food sucks. As one inmate so delicately put it “This shit ain’t no IHOP,” referring to their breakfast tray.

Seeing these prison living conditions really changed me. Contrary to my previous plans, I’ve now decided never to commit a felony. However, for those of you outlaws who tend to listen to the devil on your shoulder and do end up in prison, take some words of wisdom from the attorney in the movie Office Space, who said:

“You know, Prison is no picnic. I had a client in there once. He said **the trick is to kick someone's ass the first day, or become somebody's bitch.** Then everything will be all right.”

Good Luck on finals! I’m sure it can’t be worse than being in prison... well unless you have Tax.

With Minor Contributions from:
Arshan Amiri

Trafficking, continued from page 1.

the biggest horror of this case. The most appalling thing was yet to occur. Federal prosecutors were unable to build a case because only one of the girls was willing to testify. Why? Why would nobody testify to the atrocities that were occurring on a regular basis to estimated thousands of women. It was fear, fear of deportation and revenge against their families back in Mexico.

On November 2, 2005³ Oprah Winfrey had her show dedicated to the problem of sexual trafficking. On it, she told the stories of numerous young girls, some as young as seven, who were forced to have sex against their will. Some were forced to have sex with thirty to forty men a day. These children were exposed to physical and mental abuse the likes of which none of us can even imagine.

On the show, in addition to the experts, was Ricky Martin. While Ricky isn’t the most likely of spokespeople for solving the issue, his misconceptions are those that many of us have as well.

“It’s so frustrating and it gives me so much anger, Oprah. The governments, they need to do something. We need to change laws.”

Many of us think that this is the way to solve the problem, and in one sense it is. In September 2005, the California legislature, as if predicting Ricky’s words, passed bill AB22. The bill established the California Alliance to Combat Trafficking and Slavery (California ACTS) task force. Unfortunately, Ricky, Oprah, and the California legislature have missed the point.

The bill establishes greater penalties assigned to those who aid in human trafficking. This is something that states have been trying to do to combat this problem since it has been addressed. This is essentially throwing money at the problem. Does anybody else remember the drug wars of the eighties? President after president vowed to stop the drug trade. Penalties were increased for possession and distribution, millions of dollars were spent in order to stem the tide of drugs coming into America. More than twenty years later, does anybody really think that drugs are gone? No, they are more prevalent than ever. This is the same mistake that bill AB22 makes. The problem of sexual slavery cannot be solved by increasing penalties and resources within state law. These serve only to treat the symptoms of the problem, all things that have occurred after the fact, after the damage has been done.

Much like the war on drugs, the war on sexual slavery must attack the causes of these problems. Money must be spent on stopping individuals who are customers of this sick and twisted trade. On identifying those who show tendencies towards child molestation and child porn. These are behaviors that have been shown to increase into violence and sexual abuse towards children. As coarse as it may be, the problem of sexual slavery must be looked at as a business. As any economist can tell you, if you take away the demand, there is no longer a need for any supply.

Bill AB22 does address a problem that many state laws have yet to adequately take a look at: leniency on those who would testify against people who had harmed them. The new bill grants support to victims, to make it easier for them to testify, so that the state and federal prosecutors can put these individuals into prison.

This is a problem that will not go away until society opens their eyes to the problem. We cannot keep those rose-colored glasses on, its time to take them off and go after the cause of this terrible trade.

Blue Shield has a health plan that’s right for you.

When your life changes, shouldn’t your healthcare coverage change with it? To keep up with you, Blue Shield offers health plans to fit your independent lifestyle. Choose from a variety of options that provide the coverage and care you need at an affordable price. No matter what your needs are, Blue Shield has a health plan that helps meet them.

Call today to learn more about the affordable Blue Shield Insurance Plans.


(619) 293-3829

Robert Rodee
CLU, ChFC, CFP
2254 Moore St. #202
San Diego CA 92110

CA License # 0B99179

Individual and Family plans are not available to individuals 65 or older. ® Registered mark of the BlueCross BlueShield Association, an Association of Independent Blue Cross and Blue Shield Plans.

Authorized Agent



Blue Shield
of California

An Independent Member
of the Blue Shield Association

A12181P-SMPA-R7

Don't Throw Up During Finals!!!

by Jared Ackley

You are sitting in the hallway of the county courthouse awaiting your second moot court argument within the span of an hour and rather than concentrating on not re-arguing the applicant's argument in place of the respondent's argument, you instead are downing your third bottle of water. Or maybe you've seen or even re-enacted that famous scene from *The Paper Chase* where the newly inducted Hart, dashes to the bathroom stalls after a masterful Socratic smack-down from the deviously sarcastic Professor Knightsfield. Nerves, at the heart of the above travesties, are usually just a part of being human-even outside the hallowed halls of courthouses and law school classrooms where focus is at a premium. See also: asking that cute girl or guy you've been secretly smitten with out already, interviewing for your dream job that will pay law school graduate salaries without actually having to work as an attorney, or finally playing guitar at a local open-mic session. Unless you are part of the extremely lucky who can just shrug off even the slightest dry throat or nervous cough, most of us at one time or another will become overwhelmed and even fixated on our weak stomachs and light-headed minds, often at the most inopportune times when the stakes appear to be at their highest. I suspect that with the dissipation of our balmy days, finals are probably first and foremost in this category. However, there are solutions that can help to numb your senses or realign your misplaced focus.

Enter coping mechanisms. We all have them or have self-consciously developed them and hopefully use them to our advantage so that we can thrive off pressure rather than be devoured by it. Of course law school is a whole new ballgame for some people, and for that reason it seems fair to consider adopting new strategies that you might not have tried before, but, that might have worked for others in order to maintain composure and grace under fire. Like the Hemingway hero. (Reverting back to memories of a successful time in your life is one such mechanism, for instance: sophomore American Literature). I am obviously not a doctor and I really didn't give much credence to information that might be found in a bookstore or on a website. If you are having serious problems with anxiety that is why we have money automatically taken out of our tuition fee-so you can visit the health care center. Moreover, a lot of published information on problems related to nervousness seems to focus on elaborate plans aimed at overcoming medically diagnosed conditions. Great-but law students normally just need quick, good advice passed on from peers and those who have come before them so that they can focus on the task of exam taking. To facilitate this, I conducted an informal survey and here are some of the results:

Start with the outside senses that you can control like taste, smell, hearing, coordination, and physical exertion. There are other obvious stimulants that people take to cope with stress such as wine, beer, cigarettes, cigars, coffee, and leftover Halloween candy. I won't make a pitch for any of those here because they seem to have potential drawbacks that could actually and paradoxically add to the type of nervousness that will make you queasy and nauseated. For journalistic purposes, they exist but without advocating for or against them, this survey is limited to "homemade" remedies so to speak.

1. Mints and lozenges. The first line of defense for many, coming in varying shapes, sizes, and strengths. The key is to use these sparingly so they don't lose their effectiveness. You can work your way up from Altoids to the new ice breaker mints. Those little globes are tiny, but they act like a temporary anesthetic, usually dampening any type of gag reflex. Moreover, mint often acts as a soothing agent on your stomach. However, try these out in moderation ahead of time because they can be strong and make you cough.
2. One very cold glass of water. I've never tried this, but apparently it works for some people.
3. Vanilla extract and fresh cut grass. Lots of people are olfactorally oriented and the things they smell can have a strong effect on how their body reacts. (Have you ever heard of pheromones?) You might try dabbing a paper towel with vanilla extract or your girl's perfume in order to take a whiff before getting out of your car. The earthy smell of a picked leaf or grass also helps to calm and orient people. It probably most depends on if your mom used to burn mood candles, you're on good terms with said girlfriend, or you camped a lot as a kid-but whatever it is, it works for some people.
4. The *Rocky*-esque iPod playlist. Some people go with Mozart or Pachelbel, and I think that's swell for studying, but if you do this already then you might start to equate classical music with the sickening sensation of test day. Think along the lines of the *Indiana Jones*

Theme if you are into adopting a "persona" (see below), or go with songs that would inspire you while running at the gym or that are just good for the ego. Some examples: *We are the Champions* by Queen (obviously), *Africa* by Toto (just seems like a defying-the-odds type of song), *You're So Vain* by Carly Simon (describes the type of swagger you should have before any test). Really it all comes down to what drives you, whether it be clashing metal, driving trance, or the lyrics of 70's and 80's rock.

5. Stare thoughtfully at a crack in a wall while breathing deeply through your nose. In the least, it will make you look thoughtful.
6. Bring a copy of your resume so you can review all of your past success.
7. Robust physical exercise. Be like the Governorator and exercise. Physical exertion seems to be the number one way in which people deal with stress. Strenuous, fervent, and rhythmic exercise seems to be very cathartic for many people and releases endorphins which make you happy and replace stress. Plus it can be done anywhere right before an exam like your bed, the kitchen, living room, basement of the library, etc. Or you could go to the gym and lift weights or run or practice yoga.
8. Make music. The simple coordination it takes to stumble through a couple chords on the guitar will keep your mind off that final coming up in an hour. How can you fail after playing "Satisfaction" on the guitar while imagining being Mick Jagger. The Mick wouldn't be fazed by a law school exam. If you never picked up an instrument in undergrad, singing in the shower as loud as possible also seems to release stress and will prevent you from wasting water while you run through your whole outline in your head.
9. Play video games. I am not a video game person normally, yet last year during finals a friend introduced me to SSX Snowboarding. It's a pretty simple and quick game requiring your attention to be momentarily diverted from finals. I wouldn't recommend an elaborate, storyline-based game that takes hours, but one that allows you to jump on for a few runs down the mountain does wonders for clearing your mind.
- If you can't confuse your body with external stimulation into thinking it is not in the midst of future-determining, Harvard transfer-molding, library-insanity hell, then perhaps some jedi-esque mind tricks will work:
10. Get into a routine. This is just something methodical to fall back on so you don't have to sweat the small stuff the morning of the test. In fact, you can find comfort in things like shaving so you at least look presentable and confident and this should help take your mind off how you think you feel on substantive legal issues. I also always have one of those little Martinelli's apple juices right before every test I take because it is a priority in the name of tradition, yet one that I know I can accomplish no matter what.
11. Adopt an alternate persona. This is the

one where you psych yourself into believing you can dominate the world and then that hopefully translates into a distraction from any nervousness while also equating to confidence on the exam. For example, imagine you are a pitcher striking out batters with fastballs, sliders, and curves-always getting the umpire to call your way. Or picture yourself as Leonardo DiCaprio's character in *Catch Me if You Can* where you are constantly one step ahead of the game. Envision victory and you can fool your senses into thinking it's not a situation that calls for acid to engulf your system. At least have a power animal to envision like Edward Norton's character in *Fight Club*.

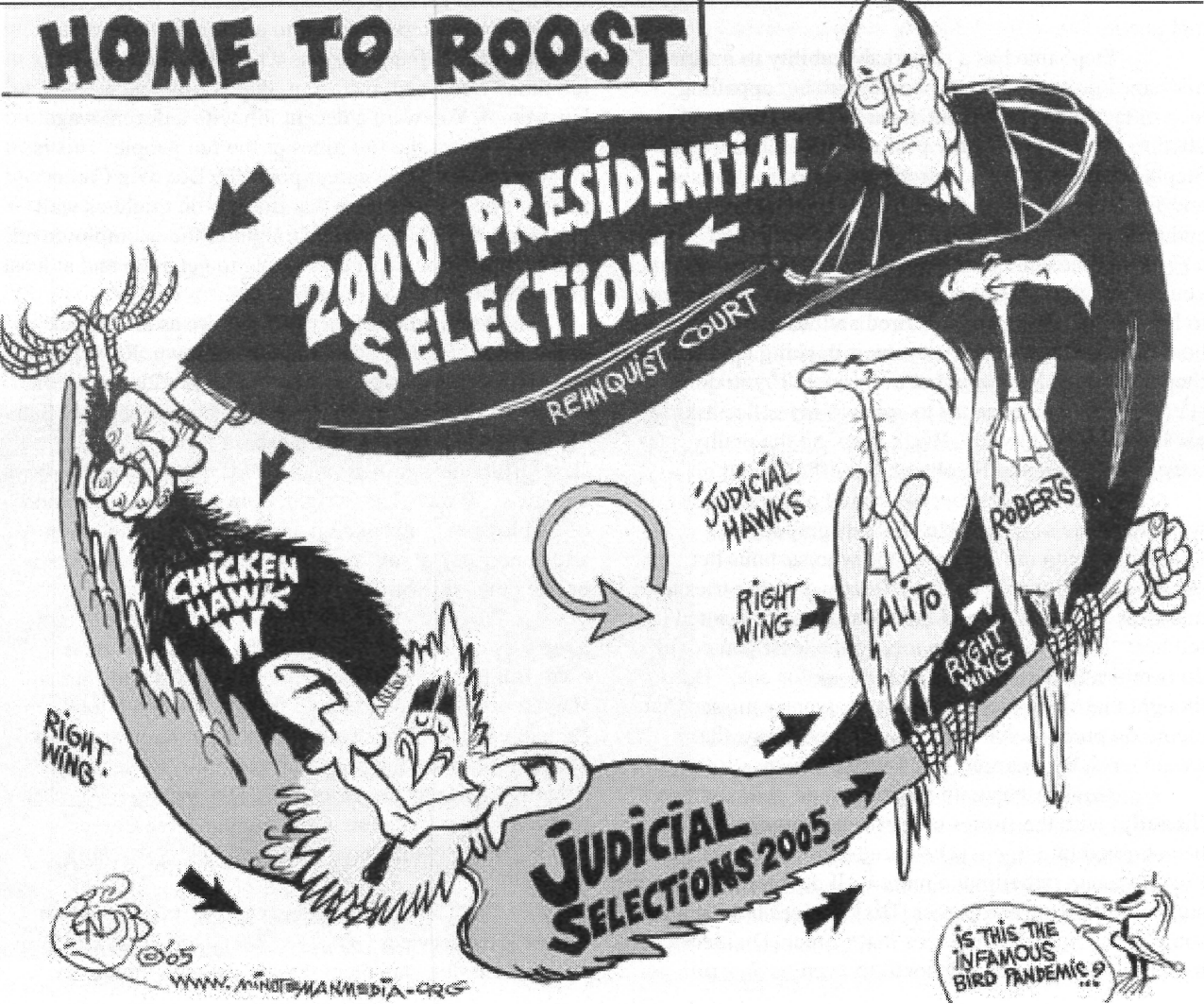
12. Grab a study partner to confide in. Don't shower them with all your fears of failure and despair-unless it's to help them think that at least both of you will be failing together. Rather, take comfort in everyone else sharing your experience as a law student. Where else can you buy this type of existence and stress?

So some people seem unflappable and perfectly prepared. While preparation is important for mitigating stress, law students are already notorious for torturing themselves with over analysis and that's why we're suited for the law. Ultimately, the key is to developing coping routines since lots of people, probably including Supreme Court nominees, would admit to getting nervous at some point. However, they have learned to adjust and so does everyone else. Gradually you won't need to dip into your pocket for a vanilla-scented Kleenex and you will start to build up successful experiences. Then you can look back on this collection of rudimentary stopgaps and laugh-nervously.

Turtles, continued from page 5.

We arrived home just in time to start fall classes; it was a tough transition to make. Our babies were born in late September. As we graduate and go our separate ways, some of us may go on to encounter an Olive Ridley in Mexico or Costa Rica or Colombia or Pakistan or India or Surinam or Brazil- maybe it'll be one of our babies. Perhaps those hatchlings will return to San Cristobal in ten to fifteen years to lay their own eggs. Who will be there to greet them when, and if, they make it? The biologists or the poachers? As attorneys, we will shape the regional and global policies that will ultimately determine the answer to that question. In case you're undecided on whether you'd choose to salvage the sea turtles, you're invited to Rancho San Cristobal anytime. Just head down the highway, past the Hotel California... behind an unmarked locked entrance you'll find the ASUPMATOMA research station, with two biologists, two cats and a dog. They'll take you to the turtles.

Hanna Gibson is a third year animal law student and vegan. She spent her childhood wandering around in the woods, playing with animals, and believing she had to change the world. Thirty years later, she has made a life out of it



ATLA Kicks Off Strong in 2005

By Tommy Feiter

The University of San Diego School of Law's Chapter of the Association of Trial Lawyers of America ("ATLA") is starting out strong this year. Chapter President Jonathan Gerber recently convened his newly elected executive board to discuss how to improve the organization's overall presence on campus this year. "My goals this year are to increase membership back to it levels of previous years, improve exposure within the law school, and continue to put on competitive mock trial tournaments. I'd like to see a strong showing at our speaker seminars and mock trial tournaments. It is my overall goal that our chapter receive local and national recognition for excellence."

ATLA is the only law school organization that is dedicated primarily to oral advocacy. This year's fall tournament will be held on November 18-20, 2005 and is open to all USD, Thomas Jefferson, and Cal Western law students. This tournament is a great chance for all students, including 1Ls to gain experience in oral advocacy.

When students join USD's ATLA Chapter, they are offered many benefits such as ATLA's free legal publications, mentor programs, trial lawyer seminars and conventions, networking events, and scholarships. If students are interested in joining ATLA or participating in the upcoming tournament, they can e-mail Chapter Vice-President Kim Etchpare for an application at atlausd@yahoo.com.



USD Law's Mock Trial Team 2005

Dis-Services, continued from page 1.

externs and an impediment to us students getting those positions. The best part was when I told my Clerk about the whole Career [Dis]Services quasi upheaval, her response was: "Yah, it's about time, because they seem pretty damn useless" (hey hey Big Bro, I'm just quoting, easy with the delete button). Let's all say it together: "Wow." Now...what are the odds that a *random* person I work for would have something horrible to say about USD Career [Dis]Services? Think about it. Can you imagine how many employers have called to try to recruit or post and how many employers have been unaided or so turned off by Karin's repulsively condescending attitude and malicious demeanor that they just ditched the whole effort? I know for a fact that there is one, and I think I speak on behalf of a lot of us when I say that it is one too many.

Now I could go on and on (literally) with "Starr Arvay's True Career [Dis]Services Stories" about Karin, but there are *so many*. I can hear *all of you* out there right now in Reader Land thinking about or retelling some nightmarish encounter you had with that woman. I feel

chances of getting jobs.

This past Summer I worked at the U.S. Attorney's Office. When Career [Dis]Services posted for the position they said that no one below the top 30% could apply. So can you imagine my dismay when I found out that some of my co-Summer Clerks were from the bottom 50-80%; not only that, but some were from the most random law schools on the planet (shout out to you Angie!). Of course I was confused, and when I asked my boss about it she said: "I don't like to put an arbitrary cut off percentage, I don't really care about grades, I just care about personality." I know, stunned silence right? That was my reaction too. So for anyone out there in the bottom 70% who wanted to work for that office, you can thank Career [Dis]Services for robbing you of the mere opportunity to apply, for *no reason at all*.

Now, if there are any out there among you who doubt me, and I know that you are faculty or staff, because *no* fellow student doubts me, I *dare* you to take a survey. Just go and pick 20 random law students and ask them to rank the foulness of Karin's attitude on a scale of 1-5, you will get an average of 10! And here

minute accounts of their days. What are their functions? Like, *How are they still in existence?* Does the person in charge of the funds at USD ever call for some degree of accountability? For example, in high school I used to work at a call center. My employer would monitor how many calls I received in a day and make sure that I was being productive and that I was *contributing something* to my company and *earning* the money they gave to me. I would like to know how many careers have been serviced by Career Services? How many people have been serviced? How many people have found a job as a direct result of their efforts? Because from my own experience, I know *no one* from the bottom 80% that has been helped. Does anyone out there see a something wrong with that picture? I feel like that office is *stealing* money from the school because everyone in there receives paychecks and yet does *nothing* in return. How do I get that job? How awesome would it be to get paid to do nothing, to be held accountable by no one, and to spend my day ruining other people's days? I am in the *wrong* business!

So I could go on complaining, but then this article would never end, ever. So here are some suggestions:

1. Start with a clean slate. I'm not *saying* fire everyone in that office, but I am *suggesting* that everyone in that office be fired (Soooo, not a "personal attack," just a suggestion).
2. I highly, highly, highly recommend that USD find a Dean of Career Services or some analogous-title holding person. And please, let it be someone who is actually a practicing lawyer. No law professors with no real world experience or random women (or men) with no law degrees at all (no names!). I mean, someone who is actually out there practicing or who just recently finished practicing. Someone who is in touch with the reality out there in the job market.
3. Set up some method of accountability because it is a shame and a debacle the way that this problem has carried on for so long. It's been at least 2 1/2 years in my own personal experience and I'm sure it has been much much much longer.
4. Set up a plan, like an organized method of carrying out actions, that will target all the employers out there and get USD grads a foot in the door. (I can't believe I'm actually having to suggest this).
5. Get someone who is not Karin to be pleasant to employers who call.
6. Just do anything. If you ripped out employment ads from the Union Tribune and pasted them on the door it would be more useful and helpful than what is being offered. Just anything. Please.
7. Force that entire office to make a public apology to every student at USD Law for the way they have *ruined* and *tainted* our experience at school and our chances in life. No, I *am* serious.

Well, now that I am done with this article, I will go back to waiting by the phone for my best friend to call so she can give me the scoop on all the jobs that Georgetown told her about this week. That's right, they get *weekly* updates. So to all of the oppressed and suffering unemployed masses out there, I am with you and I identify with your struggle against the evil tyranny that is Career [Dis]Services. *And* if you want to know how I *really* feel (sans the Big Bro censorship), just ask me, because I would *love* to show you drafts 1-41.

"With Career [Dis] Services in the state that it's in, you might as well just skip law school and go straight to the unemployment line because you aren't ever going to get a job and at least you won't have the extra debt."

your pain. You are not alone. But why waste more time talking about Karin, when we can talk about Stephanie! Yes Stephanie. She is the blonde "mean one" just so that we all know who I'm about to go off about. Oh, I mean, *talk* about.

Stephanie has a remarkable ability to infuriate mid-sized groups of smart people with her appalling lack of tact. Just ask anyone from Section C class of 2006 to tell you about how professional and courteous Stephanie was when she introduced us to E-Attorney and Job Hunting in our first year. Being the perceptive and prudent person that she is, Stephanie showed up on a *Friday* at the end of our *last class* of the day. And can you fathom that *no one* wanted to sit around and listen to her and that *everyone* was tired and wanted to go home? Shocking! So as everyone is packing up to leave, Stephanie starts *screaming* at everyone: "If you don't stay for this don't even try to come to my office asking me how to get a job!!!!" Woah, back up the reality bus everyone, apparently Stephanie fell off of it.

Call me crazy, but last time I checked it was Stephanie's *Job* to help students get jobs. It's unimaginable to me that someone who sustains her existence with money that I indirectly give her tries to make me unemployed and homeless. I really wanted to tell her: "Look, I *give you* a job, so the least you could do is return the favor and help me *look* for one." But I thought that since Stephanie had apparently missed that memo on professional demeanor and courtesy, that I would teach by example, and I walked away.

Now, just as with Karin, I could go on and on (literally) with the stories of horror and trauma that have been burned into my psyche because of Stephanie. But I would much rather incite more well deserved anger and animosity toward Career [Dis]Services by exposing some of the *Awesome* policies that Career [Dis]Services has employed (no pun intended) to even *further* ruin our

is the real cincher: I dare you to ask how many people *Will Not Donate* as alumni to USD Law because of their experience with Career Services. I have heard, with my own ears, people say those exact words. Why should any of us give money to a place that completely *Sabotaged* and *Abandoned* us when it came down to job time? Because let's face it, that is *why* you go to law school. You want a decent job with a decent wage. We don't go for the fun times or the fun people. This is all about making that career possible. But with Career [Dis]Services in the state that it's in, you might as well just skip law school and go straight to the unemployment line because you aren't ever going to get a job and at least you won't have the extra debt.

As a matter of fact, if I *do* give as an alumni to any law school, it will be to Georgetown. Random? No, not at all. You see, my best friend is a 2L there. She calls me and tells me about job opportunities here in San Di-friggin-ego, that she learns about from *her* Career [Useful]Services in *Washington D.C.* One more time boys and girls: "Wow." That's right, I am destitute in the land of employment information and I live off of the kindness and generosity of my friend who goes to a school that is on the other side of the country.

You see, everyone I know from USD who got a job was either: in the top 10-20% or got it on their own. But think about that. How much work did Career [Dis]Services really do to get the top 10-20% a job? Probably *None*. Those people would get a job anyways because those are the people who employers seek out. What is hard is to get the other *Eighty to Ninety Percent* of the school population a job. That's where Career [Dis]Services would have to actually *Do Something* (*gasp*).

Now here is the *unanswerable* question about Career [Dis]Services: *What Do They Do?* I don't mean a vague mission statement, I want detailed minute by

The Laws of Dining Out

by Eddie Tsang

As an undergraduate, while the rest of you were out furthering your careers by interning and generally being productive people, I was a waiter. With four years of this valuable public service under my belt, I feel it is now my responsibility to share with you the laws of eating out. These aren't so much laws as general guidelines for not pissing waiters off and making sure you ingest as little foreign bodily fluid as possible.

1. Understand what type of restaurant you're in. If you're at a fancypants restaurant you can expect more from your waiter. You'll know you're at a fancypants restaurant if there aren't any AutoTraders or San Diego Readers in the waiting area. At these restaurants you can treat your waiter as a "server". This means you can ask him for favors and complain about the food quality, and he'll be there to lend a sympathetic ear and pretend to laugh at your jokes. In contrast, at regular restaurants, the waiter is not so much a "server" as merely a middleman between you and the assortment of immigrant cooks. These waiters will seat you when a table is available, bring you your food and drinks, and possibly ask you at some point how everything is going. (The answer to which should always be "Great!" Who cares if your steak is dry... you paid \$6.99 for it. We're just trying to get back to the kitchen as fast as possible, because, honestly, those cockroaches aren't going to catch themselves.) The rest of these rules only apply to regular restaurants, because you're still a law student and you don't belong in fancypants restaurants yet. Unless you're taking your girlfriend out for her junior prom, in which case you belong in jail.

2. Complaints are okay, but make sure the problem is with the restaurant and not with you. I once had a girl complain that her soup was too hot. I stared at

her blankly and tried to find a polite way to tell her that science says it will eventually cool down. I had another customer tell me the portions were too small and he was still hungry, like it was my fault. He was extremely obese and had ordered off the vegetarian menu. I wasn't sure what type of vegetarian food he expected would fill him, but our kitchen was fresh out of national parks, so I shrugged and went back to my crossword puzzle. Basically, acceptable complaints include, "This isn't what I ordered" and "There's a hammer in my soup". Otherwise, keep it to yourself.

3. Leave your kids at home. They're messy, they breed germs, and, contrary to what your friends and

"I once had a girl complain that her soup was too hot. I stared at her blankly and tried to find a polite way to tell her that Science says it will eventually cool down."

family tell you, they're ugly. (They still, however, have your features. Ironic? Not really, Quasimodo.) If you must bring the little monsters, at least clean up after them. It's enough work just cleaning up after you, you dumb, drunk, bumbling animal.

4. When eating in large groups, splitting the bill among different cards at the end is okay. Getting separate checks, however, is not. The second everyone starts asking for separate checks, the waiter thinks two things:

a. They're all cheap, and they all know that they're all cheap. They're only separating checks to make sure that when the bill comes no one out-cheaps anyone else.

b. They're just trying to find a way around the automatic group gratuity. Jerks.

5. Don't try to order off the children's menu if you aren't a child. Maturity and IQ level don't count.

6. Lot's of places have lunch specials and happy hour prices where the 15% tip technically comes out to less than a dollar. Just leave a dollar, Ebenezer. Coins are

for piggy banks and homeless people.

7. If it's not on the menu, don't try to order it. If it says "No substitutions", don't try to substitute. You aren't special, and you haven't been since your days of riding the short bus to elementary school. If you must ask for something not listed, and the waiter says it's not possible, don't try to use your lawyer-logic to argue for why you should still be able to get it. We all know that fries come from potatoes, but that doesn't mean you deserve to get a baked potato with your burger. The general rule of thumb is "Don't argue with the waiter". Some people prefer "The customer is always right". But keep in mind, while the customer might be right, and

the waiter might be wrong, the important part is who's consuming all the phlegm.

8. When the waiter asks "How're you doing today", you say "Good." He doesn't want to hear about your dead-end job or your cheating boyfriend. If you want advice, buy a Seventeen Magazine.

9. Even if your friends order food, don't bring outside food and eat it inside the restaurant. That's like bringing Jennifer Aniston to Brad and Angelina's Christmas party. Yeah, so I suck at analogies and watch too much TV. You get the point.

10. 15% tip is so 90s. Modern day sophisticates aim to leave 20%. It's easier to calculate too, genius.

Following these guidelines will not ensure that your waiter will like you, but I would still suggest considering them. If you choose not to, I guess it's not a big deal. A little feces never hurt nobody.

Editor's Note: HAPPY BIRTHDAY EDDIE!!! You're the Karaoke Master.

THE MOST COMPREHENSIVE TUTORIAL REVIEW PROGRAM

www.cbtronline.com 1.800.348.2401

CONSISTENTLY HIGH PASS RESULTS

CAL BAR TUTORIAL REVIEW

A complete and individualized program involving comprehensive personalized attention focusing upon each area of bar preparation: Substantive legal review, Positive Attitude, Multi-State, Essay Performance Test Skills utilizing CBTR's uniquely proven and copyrighted Issue-Clustering system and Writing Skills Methodology.

As a time-proven and actual one-on-one tutorial program, CAL BAR is devoted to benefiting you with **nearly 24 years of dedicated experience** in knowing what it takes to get you to pass your next bar. You are invited and encouraged to contact our past examinees and hear from them how this tutorial program helped them to pass the California Bar.

This time don't just take the bar. Take it and pass it!

Grades, contined from page 1.

of 2007), and Jessica Klarer (Class of 2007). Dean Rodriguez appointed a committee of faculty, chaired by then Associate Dean Kevin Cole, to work on a proposal. I met with the student committee and communicated ideas to the chair of the faculty committee. From these meetings, came: Grade Reform, Episode I. A long time ago, in a galaxy far, far away...

The first grade reform proposal caused a large amount of controversy amongst the faculty. Believe it or not, almost all the faculty (including the more grumbly professors) wanted grade reform. However, the faculty disagreed about the form it should take. The old system was on a 65-93 scale. The proposed change was for a letter grade system. A significant number of the faculty objected to moving to a system with twenty-eight discriminators to one with only twelve. The result of the change is that students who would have received a 90, 91, or 92 on the old scale, will all receive an "A" on the new scale. Some professors wanted a system where you could give a 3.9 or a 4.1 in a class, as opposed to only being able to give an "A" (4.0). The proposal was voted down at that time because of these concerns.

Episode II: The Grade Wars

When grade reform was on the agenda again, the proposal was for a system in line with what the faculty who voted against it wanted. The new system would have had more discriminators than even our old system. Dean Cole gave a masterful presentation to the faculty on the new proposal that contrasted it with the original proposal. As a result of his efforts, it became clear that the new proposal was inferior to the original proposal. As a result, the original proposal for letter grades, with an updated curve, was adopted in the Fall of 2004 and made effective immediately for the first-year class.

The pace at which grade reform commenced was "Flat out like a lizard drinking!" (Australian idiom). The administration had only a few weeks to figure out how to implement the new system. The second and third

year classes had already received grades on the old scale. Little was known about what kind of grade distributions the new curve would produce or how it might affect academic disqualification rates. In addition to the unknowns, the experience of other law schools guided the faculty. All schools that have implemented grade reforms have done so over two years, not all at once. As a result, the idea of implementing the grading system school wide at that time was not seriously considered.

Episode III: Return to Ranking

After addressing the grading system, the faculty next faced the task of determining whether USD Law's top-to-bottom ranking should be changed. Very few schools provide an individual number ranking for all of their students and almost no top schools do. The ranking reform generated only perfunctory debate before being approved overwhelmingly by the faculty. The new ranking system only gives individual ranks to the top 20% of the class on transcripts. Other than that, no one receives a ranking on their transcript. However, the cut-off points for the top ten percent, top twenty percent, top third, and top half of the class are posted on the web so that students can know and advertise that they are in that part of the class.

The grading and ranking reform has not come without discontent from some students. Last year, many 3L's wanted the system to apply to their grades retroactively. Current 3L's have renewed that complaint. Retroactivity would have been unfair though and caused serious problems.

Re-curving past grades would have been unfair to last year's graduating class. Current 3L's would then have better grades in past classes than 3L's from last year who actually outperformed them in those same classes. Current 3L's could then enter the workforce and compete with last year's class for jobs with transcripts that would deceptively show them doing better in the same class.

In addition to unfairness, recalculating past grades would be a gargantuan task and the resources for

it were not available. Recalculating everyone's grades would require digging up all of the raw data from the past classes because the old and new grading systems have entirely different curves. Every class would need to be re-curved. The Registrar's office could not handle such a project. In addition, the importance of finality in grades vitiates against such an attempt.

Third year students should appreciate the benefits they will have of receiving the new grading system this year. The transcripts of the graduating class will have the information on the back of the transcript from both systems. The cumulative GPA will be calculated by taking your GPA on the old grading scale and imputing a GPA on the new scale for you, based on what you might have received if you had had the old system. This GPA will be weighted based on the number of units you had taken. From this imputed GPA a cumulative GPA from both systems will be determined and will appear on your transcript. So, all of the benefits of grade reform apply to 3L's this year.

The benefits of the new system are more than short-term. The new system will help potential employers understand our grades. The new system has a more generous academic disqualification rate. The new ranking system will avoid the demoralizing process of giving the bottom of the class a number to tell them how bad they are doing. Hopefully, it will also reduce some of the obsession with competitiveness that individual ranking brings. Most importantly, the new system will assist students in obtaining employment beyond the San Diego market where potential employers will now see the quality of our students. Whether you are a past alumnus with none of the direct benefits of the new system, a current 3L who will receive the benefits this year, or a current 1L and 2L who has never known anything different, all will benefit from a reform that will facilitate the continuing rise of the University of San Diego School of Law in the ranking and prestige of the legal profession as one of the top American Law Schools that it is.

Off the Record? Your Peers See You Acting a Fool!

(A Cali-Jamaican Perspective on the 2nd Annual Debacle we call the Law School Halloween Party)

by Aaron Dumas

We take exams to see if we are academically qualified to enter law school. We take exams to see if we are qualified to remain in law school. We take exams to see if we are good enough morally (easy to fake) and academically to be in law school. We even take exams to make sure that Bar Review escapades ended properly. So why are there no examinations to see if we are boorish idiots?

Once again our Halloween party ended early because of the bad acts of members of our student body. It has become apparent to me that the next law school party must be held in a barn, and not a barn that has any equipment in it at all, because that is just asking for trouble.

Before I go on, let me just add that I thoroughly enjoyed the Halloween Party. The planning that went into it was extraordinary; it was a well coordinated affair. I deplored the exclusion of the undergraduates, but that



prevent hours of wasted small talk and the inevitably frustrated guy seeking an outlet for his frustration by punching the person nearest to them"

Ok so the last one is actually something that I have been saying for the last couple of weeks, and I might add getting agreement from nine out of ten guys

one speeds when a cop is driving behind them. At an off campus event the feeling is 'let your hair down,' 'drink till she's cute,' 'everyone is doing it' and all cares in the world are shed, including decorum. Our students are smart people, yet our actions are not the actions of people that should one day be in charge of our nation. Then again, having a stupid run in college doesn't prevent you from becoming President! A colleague who looked over my shoulder as I wrote this added this gem "[expletive]...it is debatable we had decorum to begin with". Maybe that is true, law students respect authority; they fear those with

more power than themselves. So could it be that law students do not respect each other?

There is an arrogance that comes with being a law student; a belief that the sun revolves around you and the world exists for your pleasure. I know not every student has this mindset but enough do, that I feel comfortable

"Our students are smart people, yet our actions are not the actions of people that should one day be in charge of the nation. Then again, having a stupid run in college won't prevent you from becoming President!"

is just a difference of opinion. Though on a quick side note, I was told the undergraduates were not welcome because they tend to cause trouble. Really? Compared to Law students? The outfits were great, very creative and well thought of (yes some walked the fine line between tasteful and 'oh my goodness, how much for your company?'). And the location was beautiful and magnificent and...what generated this article, too nice for us.

It is amazing that upon entering the magnificent Aerospace museum, the first thought that hit my mind was: "Oh no, we should not be here." The thought sprang to mind not because the location was not sufficient, not because alcohol was not in abundant supply to spill down the throats of my colleagues, not even because there were

that have heard my new philosophy. Strangely enough, ladies do not seem to like my plan of tagging them like a cheetah out in the wild. However, let us be honest ladies, you can tell pretty quickly why a guy is buying you drinks (one drink might be polite and friendly, two drinks are a commitment). Do not lead a guy on like this, it just leads to trouble for all concerned.

Now I am not blaming ladies for the fights, just advising you that there is a way that you can help stop the violence. Yes, I know, guys lie all the time about having significant others but, I am selfish in my desires and guys do not factor into those desires. Plus I rarely see frustrated girls trying to knock the block off the nearest girl because her best lines did not work.

Many will be quick to blame alcohol as the

source of the problems, but that is a cop out. The school did that last year and for a while, in a misguided attempt, made us a dry campus, which completely ignored the fact that our troubled events always occur at off campus events. Though to the law student that received a public intoxication ticket in the law school parking lot last year, I salute you. To manage to get toasted enough that

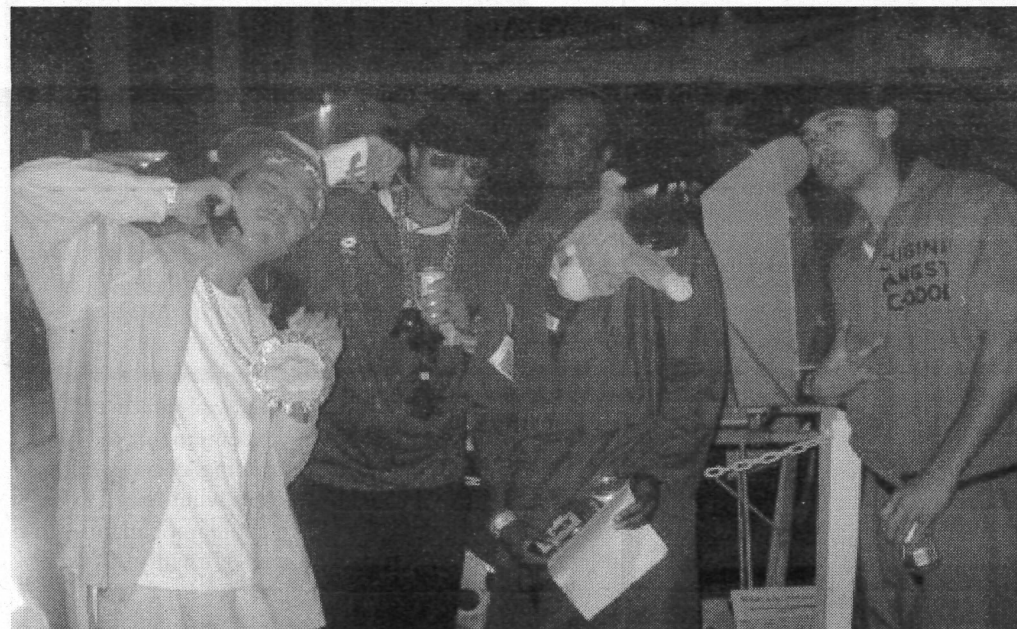
with this generalization. Let us consider that part of the reason that the Halloween party was shut down last year was because a student fought with a bartender when the bartender attempted to take from the student a bottle of alcohol that had been snuck in *against the rules*. Yet the reaction I get from many I have spoken to is one of disgust at the bar tender. Many feel that the bartender was at fault for trying to take a bottle away from a student. Now I agree that it was not the wisest thing, taking a baby away from the source of her milk is just asking for a ruckus, but it was not the bartender's fault that the party was shut down. The student and others reacted badly because they could not believe that someone would dare to take something from them, that someone would attempt to discipline them.

So on to this year's party. To those who do not know, the party had to be stopped because, sadly, students were micturating (look it up) on exhibits. Apparently the number of bathrooms that were provided was not enough for our students, who felt arrogant enough that they saw nothing wrong with relieving themselves on anything handy. It takes a certain level of arrogance to assume that one can defile history and artwork just because the line for the restroom is too long. So often when a problem occurs at one of our functions we look to outside influences as the source of the problem. We try to blame visitors and alcohol and ignore the fact that the problem is ourselves; we are just not equipped to handle too much fun and freedom.

I need to apologize to my former 1L colleague whom I referred to in my last column as 'the girl in civil procedure with the bad hair that sat in front of you'. That girl doesn't exist it was just a hypothetical that was meant to make light of what can occur at a bar review and was in no way a reference to anything that had occurred in my civil procedure class.

Congratulations to my editor on the change in his life!

Aaron M. Dumas Jr. Known to many as the Cali-Jamaican is a 3L student and the head of L.I.T. Promotions. He is currently seeking the love of his life.



only two restroom locations for a million bladders. Nay the thought sprang to my mind because the location was too nice for us.

I instantly feared that some Amelia Earhart wanna-be would attempt to fly a plane off its display stand and back to Alcala Park. I genuinely felt fear. Fear is not something that I should feel at a law school function. I am from a Third World country with a murder rate that hikes faster than Paris Hilton's hem line, yet I never feel fear at parties back home. So why fear now? Why fear in a law school party? Are not these the best and brightest of the nation? Ah, it was not fear for my safety, there was no fear of bodily harm, I was afraid of what my fellow student would do to a place as nice as the museum.

So I polled a few students to see what their views on why law students misbehave at functions were. I wondered if maybe I was the only one appalled at the behavior. Here is a sampling of student's responses:

"Law students are a bunch of repressed nerds, we do not know how to handle ourselves at somewhere nice"

"This place is too nice for us"

"It is a mix of repression and trying to fit into a mold that they do not fit: So they drink and then the real person comes out. They need to learn how to let it all out...minus the pee"

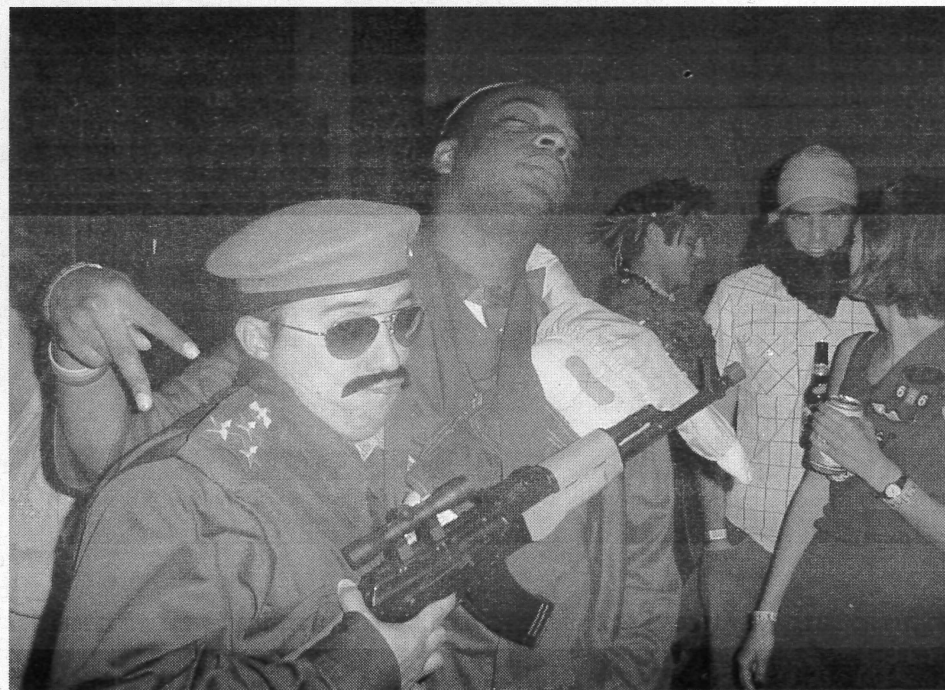
"Girls with boyfriends should have a stamp placed on their foreheads that would immediately announce the fact that they have a boyfriend. This would

cops have to bust you in a school parking lot is downright impressive and SAD. It cannot be only the alcohol that causes the problems, after all, the 2004 Halloween party was disrupted before students had a chance to have a beer or six.

Removing alcohol ignores the problem; after all the Dean's Kegger always ends with sloshed kids (which once led to a friend of mine, post-Kegger, to

ask a rather funny but inappropriate comment regarding solicitation and the tax involved, during our Tax class) and there has never been a fight at the Kegger, a few make out sessions in the parking lot, but never a fight. Word of advice to all students before I continue, the Dean's office looks out onto the Law school parking lot, take that knowledge and think before acting in the lot.

I think the atmosphere often triggers the conflict. Students at a Dean's Kegger realize that they are still on campus and they know that they are being watched by authority figures in much the same way as no



Vote Like You Mean It by Becky Blain

It's voting season!

Better than baseball, better than hockey, at least as good as football, voting season is the *best* time of year. Lawns cluttered with campaign signs, public road medians telling you to vote no and yes on the same issue, and political ads taking up valuable commercial advertising time all mark a semi-annual tradition where the legislature abandons law and order to the capricious and definitive will of the people. Voting season is the greatest.

For me, this year's voting season kicked off with a phone call; I was getting ready to walk into Vons a couple months ago when I got a call from a restricted number.

So, there are some calls that you always take, right?—like calls from friends on Friday night. And, of course, there are some calls that you never take, like

Friday night phone calls from the restaurant you work at. But I've noticed that when it comes to restricted phone calls, people are usually split. Some people I know never take restricted phone calls—unidentified calls get cleared straight to voicemail. I, however, have never been able to resist the call of a restricted number. Who besides Mom and Dad pays thirty some odd cents a month to protect their anonymity? And why are they calling *me*? Incidentally, when I worked at a restaurant I had a coworker who would call from work to get her shift covered, but she would block the phone number before she called. It was

minutes. I honestly thought that she was going to wrap up by asking me for my vote. She actually ended by asking me for a political contribution. And yes, she gave me a specific figure. And when I declined, she said that all gifts were helpful, and they would be willing to accept anything I would give. I was going to tell her that the Democratic party would have to wait until November 8th to find out what I would be willing to give them. But I decided not to.

I actually didn't get to vote this year. I filled out an application for an Orange County absentee ballot, but

“Here's a good question: What group gets a mandate every voting season to reform the way they do their jobs? -Our party campaigners!”

a simultaneously annoying and ingenious ambush, and it definitely worked on me more than once.

But on this occasion when I answered my phone, on the other end was...? A representative of the California Democratic Party! I've been a card carrying Democrat for awhile, so I was kind of excited to get a call from my party. Actually, I should say, I was excited *until* my caller morphed from party representative to political telemarketer—right after confirming that she was talking to the right person, she launched into her prepared political speech—that I'm pretty sure she was reading right off the paper, and had read a hundred times already that day. Unfortunately for her, by the time she got started I was in the produce section and the fruits and vegetables, combined with my grocery list, combined with someone talking a mile a minute in my ear, was way too much for me to process. I did, however, get this general impression:

First, that there was next to apocalyptic panic at the DNC that California was going to lose its blue-state status. Voters aren't as party-line as they used to be, apparently.

Second, that part of this loss of party morale was attributable to our celebrity governor. The one thing I clearly remember from my conversation with my caller was that she slowed down long enough to start a sentence with, “Republic Governor Arnold Schwarzenegger” and said each word in that phrase with a different degree of venom. I, however, like the guy. Even if I don't always agree with his politics, I think he's charismatic and—more importantly—strives for an integrity that I've only noticed from politicians on the West Wing.

My party representative's speech lasted a couple

it either got lost in the mail, was never processed or—I shudder to think—they couldn't read my writing.

I realized that my ballot wasn't going to come the weekend before the election, so I asked my little brother—who's my best buddy, and on the opposite end of the spectrum of political efficacy—to take my sample ballot to the polls and vote for me. But my little brother told me that I couldn't have his vote because he was going to use it to *not* vote—a definitive protest of the political process. I told him that he couldn't make any statements by just not voting. And then I realized that I was wrong—the ironic thing is that with a dismal voter turnout of just over 40%, he's actually part of the silent majority. Here's a good question: What group gets a mandate *every* voting season to reform the way they do their jobs?—our party campaigners! I think the unwritten proposition for campaign reform would go something like this: A little less spin. A little less mud slinging. A little more candid ideology. Give me something I can vote for.

On that note, as voting season came and went, my favorite part of this year's voting season *wasn't* the overwhelming liberal victory that defeated all of the major propositions. My favorite part came post-election day when I read an article in the Los Angeles Times, speculating on how the GOP was going to be able to spin its way out of this one, and went to cable news right afterwards and found out that the governor held a Sacramento press conference in which he stated, “The buck stops with me...I take full responsibility for this election. I take full responsibility for its failure.” Even if he did overestimate his influence on the electorate, he still knows what people like to hear.

ADVERTISE IN MOTIONS!

We print 1000+ copies
and distribute them on
campus, courthouses,
other law schools and legal
locations throughout San
Diego.

Pricing per issue:

Full page (11"x17")= \$500

3/4 page= \$375

1/2 page= \$250

1/4 page= \$125

1/8 page= \$62.50

Frequency discounts:

2 insertions=\$10%

3 insertions= \$15%

4 or more= \$20%

Prepayment discounts:

3% is available to those
who pay in full before ad is
run.

Terms:

Payment is due within
30 days after the date of
publication.

We accept ads at any time
and do our best to print
them in the next issue.

Lavendar Law Conference 2005

by Karen Luong

The weekend before Halloween, I had the privilege of attending Lavender Law, The National Lesbian and Gay Law Foundation's annual conference.

Each year, the sharpest legal minds in the LGBT community convene at the Lavender Law conference to network and discuss issues pertinent to their community. Lucky for me, this year's conference was held at the Westin in downtown San Diego, and USD was willing to send myself and one other student.

The first day of the conference opened with a panel discussion on job search strategies from the LGBT (Lesbian, Gay, Bisexual, Transgender) perspective. Following the panel, there was a Career Fair for the rest of the day. Over fifty law firms from all over the country had sent representatives to attend the conference and conduct interviews. I spent the next five hours in a dizzying table-talk marathon. Most of the interviewers, especially those staying the weekend to attend the conference, were very open and friendly. At the end of the first day, I had distributed 30 resumes and collected around fifteen pounds of brochures, pens, tiny tins of breath mints, and silly toys.

The next two days of the conference consisted of a variety of workshops taught by the foremost legal authorities on LGBT law.

The first workshop I attended was a panel discussion entitled “Marriage, Civil Unions, Domestic Partnerships, and other Family Structures in a Mobile Society.” The panelists were all law professors, and included the Dean of Cal Western Law School.

The panel discussed how current Defense-of-Marriage legislation creates a morass of inconsistent and harmful results when applied to the real-life situations of LGBT individuals and their families. For example, the panelists discussed the very plausible situation of a lesbian couple, married in a state that allows gay unions and having borne a child through artificial insemination, traveling with their child through a state where gay marriages are not recognized. What happens if the family gets into a car accident that leaves the biological mother

in critical condition? Can her partner make medical decisions for the other partner? Could her partner take their child home?

The panelists asserted that Defense of Marriage laws were adopted hastily, driven by homophobia and an intense desire to marginalize the LGBT community—and that such laws, when played out to their possible ends, create unacceptable and tragic results. After listening to their presentation and analysis of the hypos, I do not see how anyone could disagree.

Other workshops offered at the conference included HIV Legal Issues Update; Bring us your Tired, your weary; Why Immigration Matters; Transgender Marriage Law and Constitutional Doctrine; Sodomy, Privacy, Lawrence and its Progeny of Cases; and Intersex Legal Issues. I attended as many as I could and enjoyed them all immensely.

I'm incredibly thankful that USD, a school noted for its Catholic roots, has shown such an interest in exposing its students to both sides of the LGBT issue. I came away from the conference with a much more solid understanding of LGBT legal issues today, and a newfound respect for this rapidly changing and growing area of law. Most importantly, the conference reinforced my view that LGBT legal issues are a critical area of concern for every American. Whether you care deeply about LGBT issues or not, the constitutionality and prudence of current legislation creates puzzling results, and the effects spread beyond the individuals targeted by the legislation, to their families and children.

Next year's Lavender Law conference will be in Washington, DC. For more information, visit the Lavender Law website at www.lavenderlaw.org. For information on Pride Law, USD Law's LGBT club, please email John Adkins at adkins@sandiego.edu.

Karen Luong is Co-Chair of the Vis Moot Board, Editor of Sidebar, Secretary of Pride Law, 3L Rep, et cetera. She can be reached at karenluong@gmail.com.

su | do | ku
© Puzzles by Pappocom

			3		7	9		
		7	5					2
				4		3	5	
	6	1						3
2		4	6		8	5		1
8						4	2	
	7	6		3				
5					4	1		
		9	2		1			

EASY

2

Interview with Bill Anderson

Motions speaks with USD Law’s very own Administrative Services Manager.

Q: How long have you been at USD Law?

Bill: I have been at the Law School since 1991.

Q: Do you have any guilt about helping to increase the world’s population of attorneys?

Bill: None whatsoever. Not all lawyers are sharks or ambulance chasers. Look at those working pro bono, or in advocacy, or my favorite... environmental. I’ve heard a lot of lawyer bashing over the years, but who is it that people turn to when they, or their family, get into trouble?

Q: What are some funny moments you have seen or overheard while working at USD Law?

Bill: Confidentiality is a big part of my job so I can’t pass on the really good ones, (until I retire). However, I’m probably safe in telling this one I overheard in a classroom that I thought was funny. One student says to another before class...”I can’t cut classes. I hate to read, so without my notes, I’m screwed!”

Q: Do you take any flak for the length of your hair? Actually, there is one employee that has threatened numerous times to take a pair of scissors to it! Some people just never mellowed out.

Bill: I’ve worked at a lot of companies, large and small, and I feel very fortunate to be here on campus in an atmosphere of acceptance. And if anyone here ever feels threatened, put upon, dissed...whatever you want to call it, I want them to come and see me.

Q: How do you feel about the law school serving alcohol to already aggressive lawyer-types? Have you ever had to turn someone down because they’d obviously had too much already?

Q: I think everybody should drink more....responsibly.



But seriously I’ve never witnessed anyone who has had too much to drink at one of our events. The closest I’ve come to having to ‘86’ anyone was once during exams, a group of students that had finished theirs, decided to throw a keg party in the parking lot out of someone’s pickup truck, complete with stereo speakers set out on hood! There had to be fifty students gathered around, with more walking over, zombie-like, straight out of *Dawn of the Dead*. Wading into the center of the group, I drew upon my best negotiation skills to get them to move on.

Q: What is one thing you’d like to let the student body know?

Bill: That would have to be that I care very much about the cleanliness, the look, and the functionality of our school here. However, I am a department of one, and oftentimes my hands are tied. I have to rely on campus custodians, the maintenance department, and those holding the purse strings to make this a Law School to be proud of.

You tell me what’s wrong and I’ll do my best to fix it. Thanks, Bill!!

Why My Motorcycle Chirps:
A Tale of Loss and Learning to
Trust Again
by Jacob Evans

I owe this school an explanation. Mine is the motorcycle that chirps when people do so much as walk by it, but I have good reason. Last year, my bike was stolen, twice.

At the beginning of 2005, I was new to riding and bought a good “starter” bike, a 2002 Ninja 500R. When it came to sport bikes, it could be described as more “comfortable,” which is a euphemism for less fun, less powerful, and less stylish. On one of my trips back to my home town of Riverside, there were 55 MPH gusts of wind. As a new rider, I wasn’t aware of the effects that wind could have on your control of the bike. The gusts were hitting me from both sides and tossing me around

“...four thieves had the nerve to steal it in broad daylight. . .between Warren and the LRC.”

in the lane. In a poorly planned attempt to slow down, I lost traction and ended up in the median of the 215 freeway. I laid it down on dirt, and was not significantly injured. At this point, I should mention to anybody that rides or is considering it, that your gear is extremely important, from the gloves to the boots, armored jacket, and, especially, the helmet. Because of the gear, the fall was almost comfortable, all things considered.

Having earned my stripes, I upgraded to a new, more powerful, more aggressive bike, the Honda CBR 600RR. I loved that bike, and was scared as hell to ride it (my brother told me that the day he was no longer scared of his bike was the day he stopped riding – good advice if I ever heard it). After exactly one month, four thieves had the nerve to steal it in broad daylight, right on campus, in the motorcycle parking between Warren and the LRC. One guy drove and three more worked together to lift the relatively light 375 lb. bike into a van. One student, Chris Canton, ran to the bike’s rescue and made a valiant attempt to stop them, but was eventually thrown out of the escaping van. Thanks again, dude.

A parking services car watched the whole ordeal. The parking lot does not have direct access to the street. Instead, the van either had to go the long way though the West end of campus or had to go back past the guard station at the main entrance by the alumni building. The watching officer apparently could not reach his radio quickly enough. Nobody at either entrance saw the van and the camera, which records every vehicle’s license plate as it enters, was broken. Further, none of the cameras placed around campus was able to spot it. The van, and my bike, was gone – so much for a secure campus. In fact, I learned that this type of thing happens somewhat regularly, especially to unsecured sport bikes. If memory serves, there had already been three or four similar instances by that time last academic year.

After a long insurance claim process, I finally got a replacement, identical to the stolen one. One week passed, and that bike was also stolen. This time, it was stolen at night from my apartment’s parking lot on Friars Road.

After yet another long insurance claim process, and a small investigation (can you blame them?), I got my third replacement, again identical to the previous two stolen bikes. Before I rode it off the lot, I made sure it was equipped. As it stands now, it regularly uses 3 locks, 3 alarms, 3 ignition kill-switches, and two remote paging features. Also, I use a cover when it’s being stored overnight, and it stays behind a locked fence. There is also an extra hidden feature that I’m keeping secret – my secret weapon, so to speak.

The main alarm notifies me of when the bike has been bumped, when it has been tilted upright, when the ignition or the battery has been tampered with, and when somebody has stood too close to it for too long. This last feature is why it chips at people as they walk by. The alarm senses electro-magnetic changes within a fixed proximity, and gives a few warning beeps before sounding the alarm and paging me remotely. It gives enough time to casual passers-by to keep moving without much of an ordeal. On the other hand, it also warns any would-be thieves that the bike is equipped to stop them. Even if the sight of the locks doesn’t deter them, the sounding alarm might. If it doesn’t, then my secret weapon kicks in, and I get to have a little fun at their expense.

The first stolen bike was recently found in Chula Vista. The second still has not been recovered, which hurts my initial hunch that the same people stole both.

Jacob Evans is a 2L who suggest you back away when you hear a chirping noise in the parking lot.